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1   UNITED STATES DISTRICT COURT
          EASTERN DISTRICT OF VIRGINIA
2   RICHMOND DIVISION

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  DONNA K. SOUTTER, and   )
5 on behalf of herself and   )
  those similarly situated,   )
6   )
     Plaintiff,   )
7   )
  vs.   ) Civil Action
8   ) No. 3:10CV00107(REP)
  EQUIFAX INFORMATION SERVICES,)
9 LLC,   )
)
10   Defendant.   )
  _____)
11

12

13   The videotaped deposition of MARGARET

14   LESLIE, taken on behalf of the Plaintiff, pursuant

15   to the stipulations set forth herein, before Carla

16   J. Hopson, RPR, Certified Shorthand Reporter, at

17   1180 Peachtree Street, 16th Floor, Atlanta,

18   Georgia, on the 11th day of August, 2010,

19   commencing at approximately 9:44 a.m.

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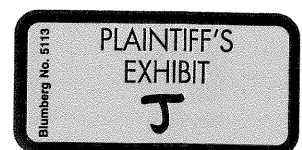
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1   I N D E X

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3 EXHIBITS (For the Plaintiff)   Page Line

4 None marked

5

6   E X A M I N A T I O N S

7 Cross Examination

8   (By Mr. Bennett)   4   24

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17

18 VIDEO:

19   DERRICK JONES

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1   * * * * *

2   THE VIDEOGRAPHER: This is the beginning of   09:44:06

3   Tape Number 1 in the deposition of Margaret Leslie 09:44:47

4   in the matter of Donna K. Soutter versus Equifax   09:44:51

5   Information Services. Today's date is August   09:44:55

6   11th, 2010, and the time on the monitor is 9:44   09:44:58

7   a.m.   09:45:03

8   My name is Derrick Jones. I'm the   09:45:04

9   videographer. The court reporter is Carla Hopson. 09:45:05

10   We are with the Maxene Weinberg Agency.   09:45:08

11   Counsel, please introduce yourselves, after   09:45:13

12   which the court reporter will swear in the   09:45:15

13   witness.   09:45:18

14   MR. BENNETT: Leonard Bennett representing   09:45:18

15   the plaintiff with my law partner, Matthew   09:45:19

16   Erausquin here.   09:45:20

17   MR. LOVE: Tony Love representing the   09:45:23

18   Defendant, Equifax Information Services, LLC.   09:45:33

19   MR. GOHEEN: Barry Goheen, Equifax.   09:45:35

20 THEREUPON,   09:45:38

21   MARGARET LESLIE,   09:45:38

22 having been first duly sworn, was examined and   09:45:38

23 testified upon her oath as follows: 09:45:38

24   CROSS EXAMINATION   09:45:38

25   Q   (By Mr. Bennett) Ma'am, can you please   09:45:40

                              5

1 introduce yourself?   09:45:40

2   A   My name's Margaret Leslie.   09:45:42

3   Q   And you're an employee of Equifax?   09:45:44

4   A   Yes, Equifax Information Services, LLC.   09:45:47

5   Q   And you've been offered in this deposition   09:45:50

6 because Equifax believes you have information   09:45:53

7 pertaining to the case of Donna Soutter v. Equifax;   09:45:55

8 correct?   09:45:57

9   A   That's correct.   09:46:00

10   Q   Have you ever had your deposition taken   09:46:00

11 before?   09:46:02

12   A   Yes, I have.   09:46:03

13   Q   And when was that?   09:46:03

14   A   I'm sorry. I don't know the dates. I --   09:46:05

15   Q   Approximately how many times have you had   09:46:08

16   your deposition taken?   09:46:11

17   A   I'm having to guess. I'm -- I'm guessing.   09:46:13

18   It's over five and probably under ten.   09:46:14

19   Q   And --   09:46:17

20   A   Somewhere in there.   09:46:17

21   Q   -- do you recall the last time that you have 09:46:19

22   had your deposition taken roughly what year?   09:46:22

23   A   2010.   09:46:25

24   Q   And when in 2010?   09:46:25

25   A   I think it's been a couple of months.   09:46:28

                              6

1   Q   Do you know the name of the case?   09:46:36

2   A   I don't remember.   09:46:40

3   Q   Do you recall what the case was about?   09:46:41

4   A   The cases that I am involved in are about how 09:46:45

5   our systems work in the credit -- consumer credit   09:46:51

6   reporting, so --   09:46:53

7   Q   And do you recall any specific allegations of 09:46:53

8   that other case? For example, this case is alleging,   09:46:59

9   as you know, I suspect, that Equifax did not accurately 09:47:02

10   report civil judgments.   09:47:07

11   You understand that; right?   09:47:08

12   A   Yes.   09:47:11

13   Q   What was that case about?   09:47:11

14   A   I believe that one had to do with identity   09:47:13

15   theft. The consumer had been a victim of identity   09:47:15

16   theft and some issues around that.   09:47:18

17   Q   And do you recall --   09:47:20

18   A   But I don't recall the specific issues. I'm   09:47:20

19   sorry.   09:47:21

20   MR. LOVE: And I'm sorry. Let's -- she --   09:47:22

21   let's just be sure not to talk over each other.   09:47:22

22   She was still in the process of answering the   09:47:26

23   question before the -- finishing her answer before 09:47:29

24   the next question.   09:47:33

25   And that goes both ways. Let's just be   09:47:33

1   careful not to talk over each other.   09:47:36

2   THE WITNESS: Okay.   09:47:39

3   Q   (By Mr. Bennett) Do you recall the name of   09:47:41

4   the lawyer that took your deposition?   09:47:42

5   A   I think that was Sola, Robert Sola.   09:47:45

6   Q   Has Robert Sola ever taken your deposition   09:47:48

7   before?   09:47:55

8   A   Yes.   09:47:55

9   Q   Approximately how many times?   09:47:56

10   A   I'm -- I really don't remember how many times 09:47:57

11   I've had a deposition. I'm guessing it was probably   09:48:03

12   around four. I really am guessing here, though.   09:48:18

13   Q   Now, what is your current job title at   09:48:20

14   Equifax?   09:48:24

15   A   I'm a vice president in our -- what we call   09:48:27

16   core platforms -- Core Systems Technology is the name   09:48:29

17   of the group.   09:48:34

18   Q   And what is that?   09:48:35

19   A   Core Systems Technology, we have   09:48:37

20   responsibilities for what we call our core systems,   09:48:39

21   which include the consumer credit reporting system and   09:48:42

22 then the systems that are involved in that process of   09:48:47

23 credit reporting and storing and retrieving credit   09:48:50

24 reports.   09:48:55

25   So I'm also responsible for the system called 09:48:55

8

1 Data QA, and I'm also responsible for what we call our   09:48:57

2 Model Implementation Group which builds the models or   09:49:01

3 analytics that produce scores for credit reports. I'm   09:49:07

4 additionally responsible for something called the   09:49:11

5 Exchange System, which is a consumer credit recording   09:49:14

6 system on utility data, and then something called a CDC 09:49:16

7 system, which is a regulatory system.   09:49:21

8   Q   What do you mean, a regulatory system?   09:49:26

9   A   Well, it's a -- a system that has information 09:49:34

10 about suspected money launderers or -- or people who   09:49:38

11 have perpetrated fraud, and brokerage companies tend   09:49:43

12 to -- and banks use this system to try to verify that   09:49:47

13 the person opening an account is -- is opening it, that 09:49:52

14 they've checked to see whether or not they have been a   09:49:54

15 money launderer in the past or perpetrated fraud in the 09:49:58

16 financial system.   09:50:02

17   So we keep a list of that sort of negative   09:50:03

18 information on -- on people.   09:50:08

19   Q   Okay. And within -- what is the -- I want to 09:50:10

20 try to place you, at least in my mind, within a   09:50:14

21 corporate structure. Who do you report to?   09:50:20

22   A   I report to Ed Smith.   09:50:30

23   Q   And what is the sort of parent department   09:50:30

24 that your core systems department is within?   09:50:30

25   A   We report to the CIO, the chief -- or the   09:50:32

                              9

1 CTO, I'm sorry, the chief technology officer.   09:50:32

2   Q   And who is that?   09:50:36

3   A   That would be David Webb.   09:50:38

4   Q   So would Mr. Webb then be two reports above   09:50:41

5 you?   09:50:45

6   A   Yes.   09:50:45

7   Q   And do you supervise any employees?   09:50:46

8   A   Yes.   09:50:50

9   Q   Approximately how many?   09:50:50

10   A   Do you want me to -- in --   09:50:51

11   Well, we have -- we have Equifax employees   09:50:54

12   and then we also have an outsource vendor, TCS. So the 09:50:56

13   total is a little over 80 people.   09:51:02

14   Q   How many Equifax employees within that set?   09:51:08

15   A   I think it's 40 to 50, somewhere in there.   09:51:10

16   Q   And who is the outsource vendor?   09:51:16

17   A   TCS.   09:51:18

18   Q   Is that the full name?   09:51:18

19   A   Tata -- TC -- I can't -- I can't remember the 09:51:18

20   full name. Tata Computing Systems, I think.   09:51:22

21   Q   And where are they based?   09:51:25

22   A   India.   09:51:29

23   Q   And what function do they perform?   09:51:30

24   A   They do pro -- system programming for us,   09:51:32

25   computer programming at our direction. We provide   09:51:34

10

1   specifications to them and then they work with us to   09:51:40

2   develop programs that we then compile, test, and   09:51:45

3   install into production if they're coded directly.   09:51:48

4   Q   What types of programs?   09:51:52

5   A   They do some of our analytics models, and   09:51:53

6   then we also have them doing what we call system   09:51:58

7   programming, which is generally just changes -- changes 09:52:02

8   to our existing system or systems.   09:52:05

9   Q   Were you part of or have -- do you have   09:52:09

10 knowledge of the changes made to -- as a result of a   09:52:12

11 case called White Hernandez?   09:52:15

12   A   I'm not aware of the specific changes that   09:52:17

13 were made, and I'm not sure of the timing of that. So   09:52:18

14 I may have had that group reporting to me, but I -- I   09:52:26

15 couldn't recite what specific changes were made.   09:52:29

16   Q   Would that have been the type of changes that   09:52:32

17 TTS (sic) would have performed?   09:52:35

18   A   TCS.   09:52:37

19   Q   TCS.   09:52:38

20   A   I believe that those changes were done out of   09:52:39

21 our database group, or at least some of those changes   09:52:42

22 were done out of the database group, which is not -- we 09:52:49

23 typically do not use outsource employees in the   09:52:53

24 database group.   09:53:00

25   So those were probably done by full-time   09:53:01

                              11

1 Equifax employees.   09:53:04

2   Q   The discussion that was held before the   09:53:05

3 deposition, and certainly we'll have a discussion as   09:53:10

4 well, regarded at least in part frozen scans. Can you   09:53:11

5 tell me what a frozen scan is?   09:53:15

6   A   Yes, a frozen scan is a -- is a -- we take a   09:53:18

7 monthly snapshot of our credit reporting system, our   09:53:25

8 consumer credit reporting system, and archive that   09:53:27

9 typically to tape. And we use the term "frozen scan"   09:53:32

10 to refer to that monthly snapshot.   09:53:38

11   Q   And in what -- well, let me -- let me step   09:53:40

12 all the way back.   09:53:44

13   What is your educational background?   09:53:46

14   A   I attended Emory University for my   09:53:48

15 undergraduate, and then I received a master's in math   09:53:50

16 from Georgia Tech.   09:53:55

17   Q   And what was your undergraduate degree?   09:53:56

18   A   French.   09:54:00

19   Q   And what year did you start working for   09:54:01

20 Equifax?   09:54:04

21   A   1990.   09:54:06

22   Q   What major positions did you hold between the 09:54:07

23 time that you -- well, I'll just say what -- what major 09:54:09

24 professional jobs have you held other than those with   09:54:15

25 Equifax?   09:54:17

                                12

1   A   My -- I began my career with Lockheed   09:54:19

2 Corporation as a systems programmer and -- programmer   09:54:22

3 basically running the systems that were used to design   09:54:27

4 aircraft and run fluid flow analysis. And I worked   09:54:32

5 with mathematical programs, assisting engineers in   09:54:37

6 running those very, very massive large amounts of data. 09:54:40

7 And they could run for weeks.   09:54:42

8   So I was a -- supported the engineers   09:54:47

9   designing aircraft.   09:54:48

10   From there I went into artificial   09:54:51

11 intelligence with a start-up company in California and   09:54:53

12 worked in artificial intelligence. I started that with 09:54:56

13 Eq -- with Lockheed and then went into that full time   09:55:03

14 with another company.   09:55:08

15   I did that for a few years. After that, that 09:55:09

16 company went bankrupt, and so I continued to work with   09:55:16

17 the companies that Technowledge (phonetic) -- that was   09:55:18

18 the company -- had as customers. So I continued to   09:55:19

19 work with them until the systems we were building were   09:55:23

20 complete.   09:55:26

21   So I worked with major corporations like Gulf 09:55:27

22 State Steel, Federal Express, Lockheed. I can't   09:55:28

23 remember all of them. So we completed those projects.   09:55:33

24   After that I went to work for U.S. Sprint   09:55:36

25 where we designed -- that's where I really used most of 09:55:38

13

1   my math and computing background where we designed or   09:55:44

2   built analytical programs to size trunks and trunk   09:55:53

3   patterns for -- for telephone traffic.   09:55:57

4   It was -- Let's see. We came up with some   09:56:00

5   different algorithms for that. And then from there I   09:56:03

6   was hired by Equifax after giving a technical talk in   09:56:06

7   Atlanta. They approached me and I began my career with 09:56:08

8   Equifax in research and development.   09:56:12

9   Q   And I want to walk you through your career   09:56:20

10   within Equifax from that point forward. This was --   09:56:20

11   I'm sorry. It was 1990?   09:56:21

12   A   April Fools' Day 1990.   09:56:24

13   Q   April Fools' Day.   09:56:27

14   Okay. You must feel like listening to --   09:56:28

15   with your math background listening to two lawyers try   09:56:35

16   to describe the -- the process.   09:56:37

17   But the first job that you started, what was   09:56:40

18   that at Equifax?   09:56:42

19   A   I was what was called an internal consultant   09:56:44

20   in research and development. Equifax had started a   09:56:45

21   research and development group in that year and were   09:56:49

22   hiring staff for it, and I was one of five people that   09:56:53

23 were hired to look at emerging technologies and study   09:56:57

24 their business and look at how we can apply emerging   09:56:59

25 technologies to solve business problems.   09:57:05

14

1   Q   Can you give me some examples?   09:57:08

2   A   Sure. The system Data QA came out of   09:57:10

3   research and development as did our personal solutions   09:57:11

4   system also came out of research and development. Both 09:57:15

5   of those were projects that I had.   09:57:18

6   Q   Was it System QA?   09:57:20

7   A   Data QA --   09:57:21

8   Q   Data QA.   09:57:23

9   A   -- came out of research and development. At   09:57:24

10 the time Equifax when we received updates, the -- the   09:57:28

11 monthly updates, now it's more daily for a lot of   09:57:30

12 customer, but back then it would be monthly updates   09:57:35

13 from customers. We had a staff of programmers that   09:57:40

14 would make changes or read those updates, normalize   09:57:43

15 them, and apply them to the database.   09:57:47

16   And we built a much more comprehensive   09:57:50

17   quality system using artificial intelligence to look   09:57:54

18   more -- both at individuals record and more broadly   09:57:57

19   doing what we thought was a better job with quality   09:57:59

20   assurance looking at the data and also built a system   09:58:06

21   that was configurable so that you didn't have an   09:58:09

22   individual programmer writing a program for every one   09:58:11

23   of these contributions to the database. You could   09:58:15

24   configure the solution and load the data more quickly.   09:58:17

25   So we were able to reduce the amount of time   09:58:21

15

1   it took to load data, increase, at least we believe,   09:58:23

2   significantly the -- the quality checks that we   09:58:27

3   performed on the -- on this data.   09:58:30

4   Q   Now, just -- not to get too sidetracked, do   09:58:35

5   you know Lynn Hudziak?   09:58:37

6   A   Yes, I do.   09:58:40

7   Q   And so when you're referring to data quality, 09:58:40

8   that's the type of work that she would be performing?   09:58:43

9   A   She would be a user in our system.   09:58:47

10   Q   Okay. And so the data quality process to   09:58:53

11   which you're referring is the process by which Equifax   09:59:03

12   would control the -- the integration of outside   09:59:08

13   information into its own system?   09:59:10

14   A   Actually, it's a step before that. We --   09:59:12

15   what you're talking about, the integration of the data   09:59:14

16   into our system we refer to as the search match update   09:59:19

17   process.   09:59:21

18   Q   Well, let me --   09:59:22

19   MR. LOVE: I'm sorry. Were you finished with 09:59:26

20   your answer?   09:59:29

21   MR. BENNETT: I'm sorry.   09:59:29

22   THE WITNESS: I --   09:59:31

23   MR. BENNETT: Well, Tony, I've taken more   09:59:31

24   than one deposition. I'm not being disrespectful   09:59:36

25   or rude to the witness.   09:59:41

16

1   Let me withdraw that question.   09:59:47

2   Q   (By Mr. Bennett) What I'm, I guess, referring 09:59:49

3   to is, you -- you do receive -- back then we -- I guess 09:59:53

4   you called them tapes, but -- and now you receive   09:59:55

5   electronically-submitted data from sources such as   09:59:58

6   LexisNexis or credit furnishers or creditors, and that   10:00:02

7   data is supposed to be in a unified format. Your   10:00:06

8   quality assurance process is to make sure that that   10:00:18

9   data at the point when it enters into your control is   10:00:26

10   in correct format; is that correct?   10:00:34

11   MR. LOVE: I object to the form.   10:00:35

12   THE WITNESS: I would not have described it   10:00:37

13   that way, but I think you're on the right track.   10:00:38

14   Q   (By Mr. Bennett) Let's talk about what it's   10:00:43

15   not. The quality assurance -- the quality assurance   10:00:44

16   function at Equifax has nothing to do with determining   10:00:51

17   that the underlying accuracy of the data or measuring   10:00:54

18   the underlying accuracy of the data that the creditors   10:00:58

19   or that the public record vendors provide you.   10:01:02

20   MR. LOVE: I object to the form.   10:01:04

21   Q   (By Mr. Bennett) Is that correct?   10:01:04

22   A   I need you to define for me what you mean by   10:01:04

23 accuracy.   10:01:06

24   Q   Sure. If LexisNexis reports a judgment that   10:01:11

25 says Leonard Bennett was a defendant, judgment was   10:01:14

                            17

1 entered against Leonard Bennett in this court in this   10:01:17

2 amount, and it -- that information is provided to   10:01:22

3 Equifax in its proper format, there's nothing about the 10:01:24

4 quality assurance process that actually would be   10:01:31

5 auditing whether or not the underlying fact thus   10:01:36

6 reported is true, that is, nothing to audit whether or   10:01:38

7 not Leonard Bennett was the actual defendant in a   10:01:42

8 specific judgment?   10:01:46

9   MR. LOVE: I object to the form.   10:01:48

10   THE WITNESS: I'm not sure what you mean by   10:01:50

11   audit, so --   10:01:53

12   Q   (By Mr. Bennett) Sure. Quality assurance or   10:01:54

13 quality control, the function that you worked on --   10:01:56

14   A   Yes.   10:02:02

15   Q   -- is not designed to test the substantive   10:02:03

16   accuracy of the information that creditors provide to   10:02:06

17   you or that public record vendors provide to you; is   10:02:09

18   that correct?   10:02:13

19   A   I --   10:02:13

20   MR. LOVE: I object to the form.   10:02:16

21   THE WITNESS: I believe the question you're   10:02:18

22   -- I'm sorry. I believe the question you're   10:02:20

23   asking is do we upon receiving, in your example, 10:02:20

24   Leonard Bennett as a defendant in a judgment that 10:02:26

25   has -- of a certain amount, Data QA does not go   10:02:29

                              18

1   back to the courthouse or to Leonard Bennett and   10:02:34

2   verify that information. That is a system.   10:02:36

3   So, no, it doesn't make a phone call to   10:02:39

4   verify that, if that's what you're asking.   10:02:44

5   Q   (By Mr. Bennett) I am. Thank you.   10:02:47

6   A   Okay.   10:02:48

7   Q   So then what types of data checks would be   10:02:48

8   typical of this -- the quality assurance process?   10:02:54

9   A   Well, there are a variety of checks. I'll   10:02:57

10 try to do some generalizations. First of all, we do   10:03:01

11 some checks on the identifying information that is   10:03:07

12 provided. For example, we look at the -- the first,   10:03:10

13 middle, and last name field, and if the -- or the way   10:03:13

14 the first, middle, and last name is provided to Equifax 10:03:17

15 in the name field.   10:03:21

16   And typically information is sent to us in   10:03:22

17 what's called the Metro 2 format, which is an industry   10:03:26

18 standard format that has guidelines for reporting.   10:03:29

19 It's -- so we will look, for example, at the name field 10:03:34

20 and verify that if the data provider is providing the   10:03:38

21 name in first, middle, last order, that's what they   10:03:41

22 tell us, we verify the first, middle, last name order.   10:03:44

23   And if we detect that it's coming in, for   10:03:49

24 example, last, first, middle, we will stop the data   10:03:51

25 from continuing and have a quality assurance analyst   10:03:54

                        19

1 work with the customer to understand what may have   10:03:58

2   changed in the way they're reporting or to verify that   10:04:02

3   they've changed to a last, first, middle reporting   10:04:04

4   structure for the name.   10:04:06

5   So it does that kind of check on the   10:04:10

6   identifying information. Additionally, it runs some   10:04:18

7   postal address standardization rules against the   10:04:21

8   address, and we verify that the address provided is a   10:04:24

9   valid -- a valid address.   10:04:30

10   We verify that the Social Security Number   10:04:34

11 is -- is provided in the correct format, and we do have   10:04:36

12 some general Social Security Number checks that we do.   10:04:41

13   Then we go into the trade information being   10:04:45

14 provided, whether it's public record or consumer credit   10:04:48

15 information, such as mortgages or credit card   10:04:55

16 information, and we verify that if an amount -- a field   10:04:56

17 is supposed to contain a dollar amount -- dollar/cents   10:04:58

18 amount we verify the format of that.   10:05:01

19   If it is a field that's supposed to contain a   10:05:05

20 date, we validate that it is a valid date. There might   10:05:08

21 be some cross-checking logic that takes place. For   10:05:13

22 example, on a credit card account we might check the   10:05:15

23 date opened against a date closed, if a date closed is   10:05:18

24   provided, to see if that makes sense.   10:05:21

25   Those -- actually you can have a date opened   10:05:24

                              20

1   after a date closed, but you don't want to see that   10:05:26

2   very often on a file. So we -- also then that opens a   10:05:29

3   door to where we have tolerances where we look at the   10:05:33

4   occurrence of certain things on the entire submission   10:05:37

5   from a credit grantor and compare it to historical   10:05:41

6   trends, so looking for issues that may be occurring on   10:05:45

7   the data provider's side that might be introduced on -- 10:05:50

8   by their computer programs.   10:05:53

9   So we look for that sort of thing. I can   10:05:56

10 continue. There are a lot more checks.   10:05:59

11   Q   And those are the types of changes that --   10:06:01

12 that are typical of the quality assurance process?   10:06:03

13   A   Those are the types of checks. There are no   10:06:06

14 changes, but the checks that we make against the data.   10:06:07

15 And I -- I can continue. And then we have   10:06:12

16 comprehensive reports. We check on the currency of the 10:06:13

17 reporting of the data from a credit grantor.   10:06:18

18   So we -- we have a lot of -- we gather -- I   10:06:21

19 think the last time I checked it was close to a   10:06:23

20 thousand statistics on the data that's submitted, and 10:06:26

21 it's a pretty comprehensive quality system.   10:06:30

22   It's important to note, though, we don't   10:06:33

23 alter data that's reported to us. And let me rephrase 10:06:37

24 that. We will do something called normalization which 10:06:43

25 is if a credit grantor submits to us that -- a code,   10:06:46

                            21

1 say, for example, a 71 in a status field, we will   10:06:50

2 translate that to what we call a Rate 1, which is a   10:06:54

3 current status.   10:06:58

4   But -- so we will -- we will normalize that   10:07:00

5 into our reporting -- basically sort of into our   10:07:03

6 language for our database. But we don't change a   10:07:08

7 current account to a past due account or change the   10:07:12

8 substance of what's being reported.   10:07:15

9   Q   Okay.   10:07:17

10   A   We also may change a little bit of the   10:07:18

11   address if we go against the Postalsoft standard and   10:07:20

12   recognize that a zip code being reported with an   10:07:23

13   address is -- has a typo in it or is -- is provided   10:07:27

14   incorrectly, we will correct that so that we can do a   10:07:31

15   more standard update.   10:07:33

16   MR. LOVE: And if I may, Equifax is   10:07:38

17   designating this line of the questioning   10:07:43

18   concerning -- concerning its Data QA policies and   10:07:43

19   procedures as subject to the protective order in   10:07:43

20   this case.   10:07:45

21   MR. BENNETT: Yeah, I'm not going to give you 10:07:45

22   a hard time about any of the depositions today or   10:07:47

23   tomorrow. I'm okay despite what is listed in the   10:07:49

24   protective order. If you want to have them as   10:07:54

25   blanket designations provided, you know, your   10:07:57

22

1   personal assurance you'll work with me   10:08:01

2   on undesignating parts that we may later want to   10:08:02

3   not have to move to seal.   10:08:08

4   MR. LOVE: Yes, we can certainly meet and   10:08:09

5   confer on anything that you feel should not be   10:08:10

6   covered by the confidentiality order. And I'm   10:08:13

7   trying to be as narrow as possible today.   10:08:16

8   MR. BENNETT: Right.   10:08:21

9   MR. LOVE: We're not doing a blanket   10:08:21

10   designation, but --   10:08:23

11   MR. BENNETT: Okay. Thank you.   10:08:25

12   Q   (By Mr. Bennett) Now, these data report -- or 10:08:26

13   the thousand or so different items, is that what -- how 10:08:27

14   you characterized it?   10:08:31

15   A   I said we -- we gather a lot of statistics.   10:08:34

16   Q   And how -- and what documentary form are   10:08:40

17   those statistics reported?   10:08:43

18   A   Well, they're actually contained in an Oracle 10:08:46

19   database and they are used internally in Data QA. When 10:08:49

20   we gather the statistics we will look at, for example,   10:08:55

21   historical trends. And an example here, what we're --   10:08:58

22   what we're looking for are things that might indicate   10:09:05

23   that the data being provided to us might have a   10:09:09

24   problem.   10:09:12

25   And an example of this is a data provider may   10:09:13

                              23

1   have a history of providing approximately 92 percent of 10:09:17

2   the accounts as current accounts. If we suddenly see   10:09:21

3   that drop to 78 percent, the data will stop. It will   10:09:25

4   say, you know, historically I see from this -- this   10:09:30

5   provider 92 percent current accounts and suddenly I've   10:09:34

6   seen a substantial drop.   10:09:35

7   Now, we don't stop data that goes from 92 to   10:09:38

8   91 or 92 to 93. That's -- that's within an acceptable   10:09:42

9   tolerance. But outside an acceptable tolerance, if we   10:09:47

10   see a significant variation compared to the historical   10:09:50

11   reporting, we will stop the data and, again, the   10:09:54

12   quality assurance analysts will work with the data   10:09:54

13   provider to determine what is going on with their   10:10:03

14   accounts.   10:10:06

15   Now, it could be like the economic situation   10:10:08

16   we've had where this is actually a correct reporting   10:10:12

17 but because we saw a significant shift in the history   10:10:17

18 of those statistics, the data stops.   10:10:23

19   Q   And it's contained -- this type of data is   10:10:25

20 contained in the Oracle database. Do you yourself   10:10:30

21 ever, you know, today look over any of the -- those   10:10:33

22 types of statistics?   10:10:36

23   A   On an as-needed basis.   10:10:39

24   Q   And so you would have to ask somebody to get   10:10:40

25 a copy of this to me or you would have to go and look   10:10:43

                            24

1 for a specific destination within the system; right?   10:10:46

2   A   I don't understand your question.   10:10:52

3   Q   Well, the statistics for all of Equifax's   10:10:54

4 systems, they're not just printed out and dumped on   10:10:56

5 your desk in the inbox; right?   10:11:00

6   A   No, we've gone green.   10:11:01

7   Q   Okay. So -- so what do you look for when you   10:11:05

8 get into the system? First of all, what system do you 10:11:06

9 go into? The Oracle database, I understand. But what 10:11:09

10   is it titled?   10:11:12

11   A   The -- the system that sort of is layered on   10:11:14

12   top of it that the users employ to manage these jobs is   10:11:18

13   the part of -- it's part -- a part of Data QA. So the   10:11:23

14   whole system is Data QA, but the part that gives you   10:11:27

15   the view into the jobs and how they're running and the   10:11:30

16   information that I'm talking about is called QA Review. 10:11:35

17   Q   And you can -- let's assume that we had ACME   10:11:41

18   Credit Company and you wanted to do a review of ACME   10:11:45

19   Credit Company, what various reports are available to   10:11:49

20   you either electronically or paper -- electronically?   10:11:55

21   A   I'm -- it's been a while since I looked at   10:11:59

22   all of the reports, but there's some general   10:12:03

23   information that's provided to a quality assurance   10:12:08

24   analyst that, if requested, could be generated.   10:12:15

25   We -- we typic -- typically don't just   10:12:20

                                    25

 1   produce a lot of reports because, again, the idea was   10:12:23

 2   to make Data QA -- we used artificial intelligence,   10:12:26

3   make it start enough to detect when something is wrong,   10:12:29

4   and then on an as-needed basis you could pull reports   10:12:32

5   that give you additional information.   10:12:37

6   So, for example, one of the things that the   10:12:38

7   system might trigger and tell a quality assurance   10:12:41

8   analyst is the system is set up to expect data from   10:12:45

9   customers on certain dates. And if the data doesn't   10:12:49

10   arrive rather than a quality assurance analyst viewing   10:12:51

11   a report where human error can occur because they don't 10:12:57

12   happen to notice we didn't get that data, it's more   10:13:02

13   accurate to have the system recognize, wait, I expected 10:13:05

14   some data from ACME and it didn't come in today, let me 10:13:08

15   send the quality assurance analyst a message and tell   10:13:19

16   them I was expecting something that I didn't receive.   10:13:19

17   So we -- we put that kind of intelligence   10:13:22

18   into the system to reduce human error, to reduce the   10:13:25

19   number of reports we generate, and make it more   10:13:28

20   accurate.   10:13:30

21   Q   What's the turnover in -- in that department   10:13:32

22   or --   10:13:35

23   MR. LOVE: I object --   10:13:35

24   Q   (By Mr. Bennett) -- amongst the individuals   10:13:35

25   who would do QA Review or have access to QA Review at   10:13:36

26

1   any point?   10:13:42

2   MR. LOVE: I object to the form.   10:13:43

3   THE WITNESS: I'm not aware of the actual   10:13:45

4   percentage. In terms of turnover, I can tell you   10:13:47

5   that I've been working with the same people for a   10:13:50

6   very long time.   10:13:52

7   Q   (By Mr. Bennett) Have you had any new people   10:13:53

8   come in at any point?   10:13:55

9   A   I don't -- I'm not -- that -- that group, the 10:13:57

10   user group, does not belong -- does not report to me.   10:13:58

11   The technology team that manages the systems that   10:14:02

12   the -- that the quality assurance analysts use, in   10:14:05

13   other words, the technical people who manage Data QA   10:14:11

14   including the QA Review system report to me, and I --   10:14:16

15   other than some TCS programmers we brought on board,   10:14:21

16   it's been probably five or six years ago.   10:14:25

17   I've had very little turnover in that group. 10:14:36

18   Q   One of the things I would imagine important   10:14:43

19   in institutionalizing the improvements like you've   10:14:47

20   described would be to be able to document the system so 10:14:49

21   that --   10:14:55

22   The reason I'm asking about turnover is, how   10:14:56

23   would you make sure that new individuals would be able   10:14:58

24   to fully interact with any of these systems, new   10:15:03

25   employees? And more specifically, what types of   10:15:09

27

1   systems documentation exist to detail these various   10:15:12

2   components of the QA system?   10:15:17

3   MR. LOVE: I object to the form.   10:15:19

4   THE WITNESS: Are you talking specifically   10:15:22

5   about Data QA?   10:15:23

6   Q   (By Mr. Bennett) Data QA and QA Review.   10:15:25

7   A   Okay. Data QA and QA Review. We have   10:15:29

8   documentation on the system, we have system design   10:15:33

9   documents. We also keep business requirements   10:15:37

10 documents. These are all in elec -- electronic form,   10:15:41

11 you do not -- you can't really go to a cabinet and pull 10:15:45

12 them out. We keep them all in share drives and folders 10:15:48

13 in our system.   10:15:55

14   The -- so there is some documentation. With   10:15:57

15 TCS there is a process when they add a new resource to   10:16:01

16 the group, and it is a specific training process, and   10:16:07

17 the -- the new resource will go through specific steps   10:16:13

18 to learn the system.   10:16:19

19   And then we also -- as we bring new people in 10:16:20

20 we give them projects, and they often have someone who   10:16:23

21 works with them that is very knowledgeable in the   10:16:27

22 system to keep an eye on what they're doing, review   10:16:31

23 their code.   10:16:35

24   We do -- for all TCS work we do full code   10:16:38

25 reviews on the system. It's a -- it's a collaborative   10:16:42

                                28

1 process when someone is -- is new to the group.   10:16:45

2 They're not just turned loose by themselves. They --   10:16:49

3 they have a lot of mentorship that takes place when we   10:16:53

4   have new resources.   10:16:57

5   The systems are very complex. You really   10:16:58

6   can't learn it reading documentation. You can get a   10:17:00

7   sense of it, a flavor, you can see a demo. And   10:17:04

8   programmers after a demo typically very quickly will   10:17:06

9   start to figure out the logic behind a system, and then 10:17:11

10 they know the programming language. They're pretty   10:17:16

11 good at -- at doing research within code.   10:17:20

12   But it's important to have -- pair new people 10:17:23

13 with knowledgeable resources so that they can perform   10:17:31

14 well.   10:17:36

15   Q   Well, focusing on QA Review, for example, if   10:17:38

16 you were to ask as the VP, say, I want to know the full 10:17:43

17 extent of our capability in providing historic   10:17:52

18 statistics on a particular -- an ACME, how would   10:18:00

19 somebody reporting to you compile a list of all the   10:18:04

20 different outputs that are available from the QA data   10:18:09

21 for ACME?   10:18:13

22   MR. LOVE: I object to the form.   10:18:13

23   THE WITNESS: Yeah, I -- first of all, by   10:18:15

24   output you're indicating that we regularly output   10:18:16

25   something, and -- and that's not --   10:18:22

29

1   Q   (By Mr. Bennett) No, I mean that there are -- 10:18:23

2   there is data within the system that tracks -- I mean,   10:18:25

3   and this data has been used by the -- the artificial   10:18:30

4   intelligence system that you helped develop going back   10:18:35

5   for a period of time. Let's -- I mean, if it's ACME,   10:18:39

6   it could be that there's -- there have been very few   10:18:42

7   manual reviews because their data has conformed for   10:18:44

8   most of their periods since you implemented the system; 10:18:47

9   right?   10:18:51

10   MR. LOVE: I object to the form.   10:18:51

11   Q   (By Mr. Bennett) Right?   10:18:53

12   A   Not exactly because we do perform audits, and 10:18:53

13   there -- the quality assurance analysts don't take a   10:18:55

14   complete hands-off approach to the data that's   10:18:59

15   contributed to Equifax. It's not "we'll let the system 10:19:02

16   handle it" approach.   10:19:07

17   The system is a tool, and it is certainly a   10:19:09

18   comprehensive quality system; but it -- it's not a   10:19:11

19   crutch. It's the -- it's their job to make sure that   10:19:23

20   the data contributions are as -- as accurate and   10:19:23

21   correct as possible.   10:19:26

22   So we do customer audits. We do reviews of   10:19:28

23   the data that are -- is provided. They don't   10:19:34

24   necessarily get a report. This is a -- a system with   10:19:41

25   views into the data. We have -- there are times when   10:19:44

                                30

1   data can be rejected from the system.   10:19:46

2   For example, the -- there is no account   10:19:48

3   number provided on a -- on an account. Well, we're not   10:19:50

4   going to post something without an account number, so   10:19:54

5   we might reject that record. And they can review the   10:19:56

6   rejects and make sure that there's not some systemic   10:19:59

7   problem out there.   10:20:03

8   One or two rejects out of a million records   10:20:05

9   is not a -- a big deal, but if you're seeing more and   10:20:08

10   more rejects or those files are growing -- so the   10:20:10

11 quality assurance analysts take a very active role in   10:20:12

12 reviewing the data that's contributed.   10:20:16

13   Q   Well, what -- what I'm -- I'm trying to learn 10:20:19

14 are -- and I understand -- when I use the term   10:20:24

15 "reports," I'm not suggesting that there's a weekly   10:20:27

16 report that comes on your desk or that would normally   10:20:30

17 be generated.   10:20:37

18   My -- my understanding from your testimony is 10:20:38

19 that you have the data undifferentiated or un --   10:20:41

20 unassigned to any particular task unless the computer   10:20:45

21 asks it to, or you could have an individual who   10:20:50

22 requests that data to be presented in a specific   10:20:54

23 fashion for -- you know, you wanted to know ACME's   10:20:57

24 historic default rate going back the last five years.   10:21:01

25 All right?   10:21:05

31

1   I'm assuming something like that could be   10:21:06

2 generated, correct, or I'm saying default to   10:21:08

3 generally -- to describe a number of MOPs.   10:21:11

4   A   I think I understand what you're asking. Let   10:21:14

5   me answer it this way. Data QA contains a lot of   10:21:17

6   information about the information we receive. We call   10:21:21

7   it metadata. It's -- it's information that describes   10:21:23

8   what we've gotten, and there's a lot of that.   10:21:25

9   And, yes, if you've got something you're --   10:21:28

10   you want to know specifically, you can make a request   10:21:31

11   to a reports team and they will generate a custom   10:21:34

12   report to provide that data to you if -- if it's   10:21:36

13   needed.   10:21:46

14   And we do get those requests. It's on an ad   10:21:47

15   hoc basis.   10:21:50

16   The system we -- I believe the data we   10:21:52

17   contain about the contributing information is held for   10:21:56

18   about a year. It doesn't go back five years. It's a   10:22:02

19   lot of information. There's huge disk arrays that   10:22:06

20   store this information for us.   10:22:10

21   So it's a tremendous amount of data that we   10:22:14

22   do hold. The -- the actual data that's contributed is   10:22:17

23   held for about 30 days, and then once we've gotten   10:22:23

24   receipt back from the ACRO system, which is our   10:22:27

25   consumer credit reporting system, that the data's been   10:22:30

32

1 posted, we hold it for about 30 days before we delete   10:22:33

2 it out of the system.   10:22:35

3   And then the information about that data   10:22:37

4 reporting that's contained in the Oracle database is   10:22:40

5 held for about a year.   10:22:43

6   So obviously we can't go outside the bounds   10:22:45

7 of those retention policies.   10:22:51

8   Q   So, for example, with ACME, the example that   10:22:53

9 you gave, I think, if ordinarily they're showing it   10:22:58

10 current or 71 -- the metro status for 92 percent, I   10:23:04

11 think, is the number you used in your example, and all   10:23:08

12 of a sudden their data has come across in a -- in a   10:23:14

13 month at 78 percent --   10:23:18

14   There might be creditors that regularly have   10:23:20

15 a 78 percent default; correct?   10:23:24

16   A   That's correct.   10:23:26

17   Q   Or whatever -- whatever -- that might --   10:23:33

18 that one creditor --   10:23:36

19   A   They won't be in business long.   10:23:36

20   Q   That's right. And what you're -- I think if   10:23:38

21   I piece together your testimony, you would -- you would 10:23:38

22   only be able to compare the 92 percent typical current   10:23:51

23   for reporting made within the last year because you   10:24:01

24   don't retain data about ACME prior to that.   10:24:06

25   A   I would have to go back and look. We worked   10:24:09

33

1   on these algorithms quite a bit and did quite a few   10:24:12

2   studies, and this is back in R&D days, so we're going   10:24:18

3   way back.   10:24:25

4   We looked at the best way to come up with   10:24:26

5   those historical averages, and the averages may be   10:24:30

6   stored in such a way that they do carry, you know,   10:24:33

7   remnants of the past before a year ago the way they're   10:24:36

8   structured.   10:24:40

9   So --   10:24:41

10   Q   Within the algorithm?   10:24:41

11   A   Within the algorithm, we -- again, it's -- we 10:24:42

12 store data about data. So, you know, I'm not sure when 10:24:45

13 you -- when you're taking an average and then you're   10:24:49

14 your adding additional data to that average, you know,   10:24:52

15 over time the trailing effects of -- of old information 10:24:56

16 about reporting may -- may sort of get diluted.   10:25:03

17   But I don't recall exactly how we ended up   10:25:09

18 storing -- calculating and storing those -- those   10:25:18

19 tolerances and averages. I just -- I don't -- that's   10:25:18

20 going back kind of a ways.   10:25:18

21   But I think you're making the assumption that 10:25:20

22 we go back and look at 12 months and add it up real   10:25:23

23 quick and divide by 12. And I don't remember whether   10:25:25

24 that's what we ended up with or not. But I -- I think   10:25:28

25 some of them are not done that way. We actually sort   10:25:31

34

1 of store the -- the averages and then we get additional 10:25:35

2 data. You -- you have a way of adding it in there.   10:25:37

3   Q   Well, but you -- I mean, is there any data   10:25:42

4 that's retained to record for your or other internal   10:25:47

5 Equifax purposes the historic relative quality of one   10:25:51

6 creditor versus another? For example, ACME, you know,   10:25:55

7 versus, Road Runner Bank, one may have few quality   10:26:04

8 assurance speed bumps and the other might have   10:26:10

9 significant -- require significant manual work.   10:26:13

10   MR. LOVE: I object to the form.   10:26:17

11   THE WITNESS: Well, I get to brag a little   10:26:18

12   bit here. When we converted data into Data QA in   10:26:21

13   the mid to late '90s, we did see variations in the   10:26:28

14   quality of the data that was reported to Equifax   10:26:34

15   and -- and very quickly took on working with sales   10:26:40

16   and working with customers, began to address gaps   10:26:43

17   that were revealed by converting to the new   10:26:46

18   system.   10:26:49

19   We didn't have visibility into those gaps   10:26:50

20   prior to Data QA, and after Data QA we did have   10:26:52

21   visibility into -- to gaps.   10:26:58

22   And so, yes, there were studies done. An   10:27:00

23   example, I call them density reports. And that is   10:27:02

24   of all of the fields that are available to a   10:27:06

25   credit grantor to report, how many are they   10:27:09

35

1   reporting? Is it a scant few or are they giving   10:27:11

2   us a healthy -- a healthy record?   10:27:20

3   And we ran reports like that, and for those   10:27:23

4   that had opportunities to report more began   10:27:27

5   working with those customers. And we today, you   10:27:31

6   see across the board a lot more -- in fact, pretty 10:27:33

7   consistent in terms of full reporting of   10:27:38

8   information to Equifax by working with the   10:27:41

9   customers on improving their reporting.   10:27:43

10   So you don't see that as much today. We --   10:27:46

11   we've done a lot -- we've taken Data QA and used   10:27:50

12   it to -- to improve the -- not only our ability to 10:27:58

13   understand the quality of the data that we're   10:28:04

14   receiving but to also use it to provide feedback   10:28:07

15   to customers on what they're reporting and work   10:28:13

16   with them on making improvements.   10:28:15

17   And over the past, I guess -- we're coming up   10:28:19

18   on close to 15 years now, I think substantial   10:28:23

19   progress has been made. In fact, I think a lot of 10:28:25

20   the data we get is not -- when -- when there are   10:28:28

21   not issues with it and you take a look at it, it's 10:28:30

22   in pretty good shape.   10:28:38

23   Q   (By Mr. Bennett) Something that, you know,   10:28:40

24 ordinarily lawyers tell witnesses at the beginning is   10:28:40

25 if at any point you need a break, please don't -- you   10:28:42

                                36

1 know, you're -- you're controlling the --   10:28:46

2   A   Thank you.   10:28:51

3   Q   -- proceedings. Okay?   10:28:52

4   A   Yes, I am familiar with that part of a   10:28:52

5 deposition.   10:28:54

6   Q   Good. And I -- usually I say depo rules in   10:28:59

7 the beginning, but I immediately always skip through   10:29:01

8 those, but --   10:29:01

9   So the example that we've -- that I have been 10:29:05

10 using, the ACME credit --   10:29:05

11   A   Yes.   10:29:08

12   Q   -- let me flush it out to the one that   10:29:08

13   matters to me, which in this instance, of course, is   10:29:08

14   LexisNexis. LexisNexis is a public records vendor, not 10:29:08

15   the traditional credit furnisher.   10:29:17

16   Does that make a difference in the QA and QA   10:29:20

17   review process in the way that the systems handle the   10:29:23

18   incoming data?   10:29:27

19   A   We -- on -- on Data QA I'm -- with public   10:29:29

20   records -- and I did not look into this -- there might   10:29:37

21   be some differences. With a -- with a credit grantor   10:29:42

22   you're going to see more consistency and historical   10:29:47

23   trends because they are reporting on the same account.   10:29:55

24   So you're -- it's the same accounts coming in 10:30:01

25   typically. And then -- so it's a little easier to look 10:30:03

37

1   at historical trends with a credit grantor.   10:30:07

2   With a public record vendor, they're not   10:30:09

3   reporting on the same person, the same account over and 10:30:12

4   over and over again. So I'm not sure that we do as   10:30:17

5   much or, if any, historical trending with the -- the   10:30:23

6   public record information because there are sort of   10:30:26

7   discrete items that we'll -- we'll see a filing   10:30:29

8   information and then later there might be an update,   10:30:32

9   but then there'll be a dep -- a disposition or   10:30:34

10 resolution to whatever the public record reflects, and   10:30:37

11 we'll get that.   10:30:40

12   But there's not like a continual reporting of 10:30:42

13 that like you see with a -- a credit grantor. So the   10:30:45

14 historical trending, if I recall correctly when we were 10:30:49

15 working on establishing that, was not -- there wasn't a 10:30:54

16 lot of consistency in terms of what were you going to   10:30:57

17 study because you weren't seeing the same information   10:31:02

18 coming in.   10:31:08

19   So -- but in terms of quality checks like we   10:31:09

20 expect, you know, the case number field has to contain   10:31:15

21 information so that we can -- a case number is, for   10:31:18

22 example, required. If there is an amount field, we do   10:31:25

23 verify that there is a valid dollars and cents in the   10:31:25

24 amount field.   10:31:29

25   So for the different fields that are   10:31:30

38

1   provided, which are a much narrower number of fields   10:31:35

2   versus a -- a credit trade line, there are a lot more   10:31:37

3   fields in a credit trade line versus a public record.   10:31:41

4   Q   And how knowledgeable are you as to the   10:31:48

5   substance of those fields or -- I mean, the -- the   10:31:50

6   structure or the nature of those fields?   10:31:52

7   A   It's -- I'm very familiar with public   10:31:56

8   records. I get -- I'm not -- I get kind of rusty on   10:31:58

9   what codes are supposed to be where and -- and   10:32:02

10   remembering that. But I've done a lot of work with   10:32:05

11   public records over the years, so I'm pretty familiar   10:32:09

12   with it.   10:32:13

13   Q   What type of work have you -- well, before I   10:32:13

14   sidetrack that, I have a -- a line of the questioning   10:32:20

15   to close out. And I'm trying to come up with a better   10:32:22

16   word that doesn't apply that you have a dead body,   10:32:27

17   but -- so --   10:32:29

18   But ignoring that defect in my analogy, I   10:32:30

19   mean, if you were going to try to do an autopsy of all   10:32:39

20 of the LexisNexis public records, civil judgment   10:32:45

21 reporting in Virginia, what -- and I'm trying to delve   10:32:51

22 as -- as deep into your knowledge in this regard as --   10:32:58

23 as I can.   10:33:03

24   What tools, data review tools would you have   10:33:03

25 available to you to examine?   10:33:08

                                39

1   MR. LOVE: I object to the form.   10:33:10

2   THE WITNESS: I do not understand your   10:33:12

3   question.   10:33:15

4   Q   (By Mr. Bennett) Well, with -- with ACME   10:33:15

5 there is historic -- there are -- the employee who   10:33:19

6 might want to look at the ACME data would have certain   10:33:27

7 computer screens that they could generate about ACME's   10:33:34

8 reporting; correct?   10:33:42

9   A   Yes.   10:33:45

10   Q   An employee at Equifax who wants to examine   10:33:45

11 LexisNexis's reporting would have certain screens he or 10:33:51

12 she could generate regarding LexisNexis's historic   10:33:55

13 reporting within the QA system; right?   10:33:59

14   A   That's an incorrect statement. We don't   10:34:03

15 have -- well, let me -- let me rephrase that. I think   10:34:05

16 what you're saying is incorrect. You're, I think,   10:34:10

17 implying that we save the historic contributions that   10:34:13

18 were made from LexisNexis, and we do not store the   10:34:17

19 actual contributed data. What's --   10:34:22

20   Q   I'm referring to the data about the data --   10:34:24

21   A   Okay.   10:34:28

22   Q   -- is, I think, how you described it; right?   10:34:28

23   A   Yes.   10:34:29

24   Q   I'm assuming that the judgments are   10:34:30

25 integrated into ACRO and then you don't save -- it's   10:34:32

40

1 not like you keep copies of the electronic files   10:34:36

2 indefinitely that Equi -- that LexisNexis sends you;   10:34:38

3 right? That's not what I'm asking.   10:34:40

4   A   Okay. That's -- that's correct. We don't -- 10:34:42

5 once it's integrated, then after, I think, about 30   10:34:45

6   days it will be -- what was contributed will be deleted   10:34:47

7   from the system.   10:34:59

8   Q   Let me -- I'll focus more precisely. There   10:35:03

9   is objectively a number out there of what percentage of 10:35:10

10 civil judgments within the Virginia General District   10:35:17

11 Courts are actually reported, satisfied, vacated, or   10:35:20

12 appealed in the courthouse.   10:35:24

13   I'm not saying that that number is an -- you 10:35:26

14 know, that you can Google it or go to Wikipedia or find 10:35:29

15 it, but that in the -- in the universe it could be   10:35:32

16 possible, with unlimited resources certainly, to   10:35:34

17 determine statistically the percentage of judgments   10:35:40

18 that had been satisfied, vacated, or appealed in a   10:35:43

19 particular court for a particular period of time.   10:35:47

20   MR. LOVE: I object to the form.   10:35:49

21   Q   (By Mr. Bennett) Not -- not what you have in   10:35:53

22 your file, but I mean in the courthouse.   10:35:56

23   A   A person could go into a courthouse and, I   10:35:58

24 suppose, crawl through all their records and count   10:36:02

25 those things and come up with a statistic, yes.   10:36:08

41

1   Q   Right. And so if that statistic -- and to   10:36:11

2 avoid any negative or positive connotation that -- to   10:36:15

3 which Equifax make take offense, I'll use a variable X. 10:36:17

4 All right? X percentage of the Virginia General   10:36:27

5 District Court judgments are in fact terminated or have 10:36:32

6 a disposition of vacated, satisfied, appealed. X is   10:36:37

7 that percentage. Then LexisNexis for that same time   10:36:47

8 period will have reported a certain percentage of   10:36:58

9 judgments.   10:37:03

10   Ideally, if there were -- that would also be   10:37:03

11 X; right?   10:37:07

12   MR. LOVE: I object to the form.   10:37:08

13   Q   (By Mr. Bennett) I mean, that's -- that's   10:37:10

14 what -- well, in my ideal world it would be the same as 10:37:11

15 to what is in the courthouse. Okay?   10:37:23

16   What tools are available to Equifax to   10:37:26

17 determine, to -- let's assume that -- that you went   10:37:30

18 back to your folks or Mr. Smith came to you and said,   10:37:34

19 Margaret, I want to know what percentage of judgments   10:37:39

20 LexisNexis has reported as satisfied over the last ten   10:37:43

21 years.   10:37:52

22   How would you do that?   10:37:52

23   A   I would have -- Okay.   10:37:53

24   Q   And if ten years is the problem, then what -- 10:37:57

25   A   Okay. Let me --   10:37:59

                          42

1   Q   -- periods could you change?   10:37:59

2   A   Okay. Let me make sure we're -- we're   10:38:00

3 talking apples and apples here. The information about   10:38:05

4 the courthouse and the variables that exist there, like 10:38:10

5 did the disposition sit on somebody's desk for a year   10:38:12

6 before they filed it or whatever may be going on in the 10:38:22

7 courthouse, and then how many occurred there, I -- I do 10:38:22

8 not have visibility into that. My systems cannot   10:38:22

9 access that data.   10:38:28

10   Q   I understand.   10:38:30

11   A   Yeah. So those sorts of variables and   10:38:31

12 activities that take place in the courthouse, I am -- I 10:38:32

13   am -- I'm blind to that.   10:38:34

14   Q   All right. But I'm -- and I'm actually not   10:38:36

15   asking you whether --   10:38:37

16   A   Okay.   10:38:39

17   Q   -- the X in the courthouse is the same as X   10:38:39

18   that LexisNexis is reporting. That would be something   10:38:43

19   I might argue. I'm asking what data you have the   10:38:46

20   ability to obtain, not relative to what is in the   10:38:52

21   courthouses, but your own determination as to the   10:38:56

22   percentage of judgments LexisNexis has reported as   10:39:00

23   satisfied to you.   10:39:05

24   MR. LOVE: I object to the form.   10:39:06

25   THE WITNESS: Well, the -- there's a couple   10:39:07

43

1   of problems there. And the reason I clarified   10:39:09

2   that is that you -- you started out describing   10:39:12

3   both, and I wanted to make sure we were -- we're   10:39:15

4   talking to --   10:39:18

5   Q   (By Mr. Bennett) I understand.   10:39:19

6   A   -- specific to our system. So we have a --   10:39:19

7   do you want to say public records or do you want to   10:39:22

8   just focus on judgments with your question?   10:39:25

9   Q   Well, if there's a distinction, then I would   10:39:27

10   appreciate the distinction.   10:39:31

11   A   Well -- well, there's bankruptcies, there are 10:39:32

12   liens, and there are different dispositions of those.   10:39:34

13   Q   Well, let -- let's talk generally and then   10:39:37

14   we'll -- then we'll talk more narrowly.   10:39:39

15   A   Okay.   10:39:41

16   MR. LOVE: And I'm sorry. I just don't want   10:39:41

17   any talking over. I want to make sure that you're 10:39:42

18   finished with your answer before the next question 10:39:44

19   and vice versa.   10:39:46

20   So it seemed like you were still in the   10:39:46

21   middle of your answer. But I just want to make   10:39:51

22   sure, for the record -- for the record, that   10:39:54

23   you're not talking over each other.   10:39:54

24   THE WITNESS: Thank you, Tony. That's --   10:39:57

25   I've been known to talk over people.   10:39:57

44

1   MR. LOVE: Well, I know, but --   10:40:03

2   MR. BENNETT: We're not doing so well.   10:40:03

3   MR. LOVE: We -- it all -- it always happens. 10:40:03

4   THE WITNESS: Okay.   10:40:04

5   MR. LOVE: But just for the record, let's be   10:40:04

6   careful all --   10:40:03

7   THE WITNESS: Okay.   10:40:06

8   MR. LOVE: -- all around about that.   10:40:06

9   THE WITNESS: All right. Is it my turn?   10:40:07

10   Q   (By Mr. Bennett) The truth is, you know,   10:40:08

11   we're not at a stage where this is a jury deposition   10:40:08

12   anyway. I mean, this is a -- of narrowed purpose,   10:40:14

13   but -- so I haven't -- I haven't been of the same   10:40:24

14   temperament often that I might be. I really and truly   10:40:28

15   am trying to learn, and that's an advantage that you   10:40:30

16   have as a witness because I know nothing at all and you 10:40:33

17   know everything.   10:40:35

18   So I don't mean to talk over you, I don't   10:40:36

19   mean to interrupt you. I'm just trying to help explain 10:40:40

20   my questions, and I'm sometimes not very effective at   10:40:43

21 doing that.   10:40:47

22   A   I appreciate that. I -- I am more accustomed 10:40:49

23 to a little bit more formality, but -- but --   10:40:53

24   Q   Well, Mr. Sola as well is much better at this 10:40:59

25 than I am, so the -- anyway --   10:41:00

                         45

1   A   Okay. Let's see if this answers your   10:41:10

2 question. Equifax receives public record information   10:41:16

3 from LexisNexis, and that information -- obviously the   10:41:22

4 first time we see the information is either with -- at   10:41:26

5 some sort of court filing or the court reporting   10:41:30

6 something.   10:41:38

7   So we'll see -- for example, with a   10:41:39

8 bankruptcy you will see a -- a public record come in   10:41:40

9 with the information on it that says, you know, a   10:41:44

10 bankruptcy has been filed, and it will have a filing   10:41:46

11 date, have information, whatever is available at that   10:41:51

12 time about that bankruptcy.   10:41:56

13   Then later we might get another public record 10:41:59

14 that says that this is the disposition of the   10:42:02

15 bankruptcy and there'll be some bankruptcy codes -- I   10:42:05

16 don't remember them all -- some codes about the   10:42:07

17 disposition of the bankruptcy.   10:42:09

18   And we take that information and we update   10:42:11

19 the public record on the file with the latest   10:42:12

20 information from the court. Now, typically we don't   10:42:18

21 get interim notices that say so far nothing's gone on   10:42:21

22 with this. We are -- we receive the information as it   10:42:27

23 is placed on the record by the courthouse.   10:42:30

24   So -- let me finish, please.   10:42:36

25   Okay. So I'm afraid what your question   10:42:41

                              46

1 contains is an assumption that I have a historical   10:42:45

2 record of the life of that public record in our system. 10:42:51

3 So we do not have that. What I can do is I could write 10:42:56

4 a program that goes into our system, and it can -- I   10:43:02

5 don't know how valuable it would be, but basically   10:43:06

6 count out any public records that haven't got a   10:43:09

7   disposition on them of some kind and then count the   10:43:14

8   ones that do.   10:43:17

9   It's sort of invaluable because all it does   10:43:19

10 is tell you those that haven't got a disposition right   10:43:23

11 now and those that do, or those that haven't had a   10:43:23

12 disposition reported to us is a better way of saying it 10:43:27

13 and those that have had a disposition reported to us.   10:43:31

14   So --   10:43:35

15   Q   I don't think it's valuable either. But   10:43:36

16 what -- You suggested you could go in and write a   10:43:38

17 program.   10:43:44

18   A   Right.   10:43:44

19   Q   And I'm not asking for that. I'm asking   10:43:44

20 for what existent programs could an Equifax employee   10:43:50

21 use to measure, you know, what -- there are certain   10:43:55

22 metrics that -- that at some point you would measure   10:43:58

23 about the LexisNexis data, but -- you would have what   10:44:01

24 you've just referred to as programs, but you would   10:44:07

25 have -- and what I've called reports. You'd have ways   10:44:10

47

1   of organizing this -- this data about the data for   10:44:12

2   LexisNexis.   10:44:22

3   What areas are you currently able to do that   10:44:22

4   in? What types of -- what I'm calling reports, but --   10:44:27

5   and if it's not at all, that's okay. I mean, you could 10:44:30

6   say we don't have any means to measure in a uniform or   10:44:33

7   regularly occurring way the -- the quality of   10:44:44

8   LexisNexis's data historically.   10:44:51

9   A   I think where you're going is you're asking   10:44:54

10 the question, we received a public record and then we   10:44:56

11 received a disposition and are we tracking that to   10:44:58

12 measure the quality of the reporting from LexisNexis.   10:45:00

13   And I think in there the problem is that   10:45:05

14 there is no standard amount of time that a -- a public   10:45:11

15 record remains open.   10:45:14

16   If there were, if we all knew that within a   10:45:15

17 year all public records are satisfied no matter what,   10:45:19

18 we would have something definitive we could measure and 10:45:22

19 then go back and say, are you reporting dispositions   10:45:23

20 within a year or how are you missing that?   10:45:31

21   The problem is that there is no standard for   10:45:32

22   reporting a disposition. So what measure are you going 10:45:34

23   to put on there? The -- that's the problem. The -- we 10:45:39

24   receive the reporting of public record information and   10:45:44

25   we receive reporting from LexisNexis of changes to   10:45:47

                              48

1   those filings, and we update our records accordingly.   10:45:54

2   But the information contained in Data QA that 10:46:02

3   we can gather about public record information, where   10:46:04

4   you're going, I don't think, is going to be very   10:46:06

5   meaningful. It is information about their reporting,   10:46:09

6   and it's about numbers of records that we're reporting   10:46:13

7   by -- we can probably get some reports by type of   10:46:18

8   filing.   10:46:20

9   Q   I am looking for all of that. That is   10:46:21

10   exactly what I'm looking for. I'm not looking for your 10:46:23

11   ability to track the historic trend of a specific item. 10:46:26

12   I recognize I -- to say I know, you know, everything -- 10:46:31

13   I know nothing, the truth is I know enough to be   10:46:34

14 dangerous but not much more.   10:46:38

15   And I do understand, I think, the way the   10:46:40

16 judgments are reported and dispositions are reported.   10:46:41

17 I mean, essentially it's two records that you -- your   10:46:46

18 system integrates into one as I understand.   10:46:50

19   A   There's a time factor.   10:46:52

20   MR. LOVE: I object to the form.   10:46:52

21   Q   (By Mr. Bennett) But then the -- but the   10:46:55

22 point is that I'm not asking about what you cannot   10:47:00

23 report. I'm asking about what you can report. And you 10:47:03

24 started to give me some of the examples such as the   10:47:06

25 number of records.   10:47:11

                              49

1   A   I said I think we have those and we might   10:47:11

2 have those going back for a year. I can -- I can check 10:47:15

3 the system, but that's -- those were examples of the   10:47:17

4 types of information that we can gather in Data QA.   10:47:21

5 But whether or not we've been holding that in the   10:47:26

6 system, I would have to check.   10:47:33

7   Q   And how would you determine -- I mean, when   10:47:34

8   you say you'd check to see what types of data existed   10:47:37

9   in the system, how would you do that?   10:47:41

10   A   I would call probably my key business analyst 10:47:44

11   on consumer credit reporting and ask her to -- the   10:47:48

12   system is configurable. So she can look at, for   10:47:55

13   example, a particular courthouse and bring up on her   10:48:00

14   screen the configuration of the rules in the system.   10:48:02

15   And she can take a look at the configuration and tell   10:48:04

16   me probably pretty quickly what statistics are being   10:48:07

17   gathered.   10:48:12

18   So I can just call my business analyst or I   10:48:13

19   can go into QA Review and look at it. It would be   10:48:14

20   probably quicker to ask her, but I can go look myself   10:48:16

21   and see the configuration of the processing that's done 10:48:21

22   on them and see what -- we call them routines -- are   10:48:27

23   called and what's gathered.   10:48:31

24   Q   What is her name?   10:48:31

25   A   Marti Hunnicutt.   10:48:31

50

1   Q   And how do I spell that?   10:48:37

2   A   H-u-n-n-i-c-u-t-t.   10:48:41

3   Q   And the type of data that you maintain is   10:48:41

4 kept by courthouse?   10:48:45

5   A   Yes, it would be stored by courthouse.   10:48:46

6   Q   Each courthouse has its own number within the 10:48:49

7 Equifax system?   10:48:53

8   A   We call them member numbers, yes.   10:48:55

9   Q   In Virginia we have -- we have different   10:48:55

10 public records, putting aside bankruptcy, that we have 10:48:58

11 in our state courthouses. They are general district   10:49:09

12 courts, circuit court, which is our full trial court,   10:49:12

13 and that's where we have real estate liens. So often   10:49:16

14 people take judgments from one court and move it to the 10:49:20

15 circuit court. And we have tax liens that are filed in 10:49:20

16 the circuit court typically.   10:49:31

17   How would this ability to search by   10:49:32

18 courthouse be impacted by that -- those differences? I 10:49:36

19 mean, would each -- each court within a jurisdiction   10:49:41

20 have a different number or --   10:49:44

21   A   I think Lynn would have to answer that. Not 10:49:47

22   Lynn. Shawn DeGrace, I think, is familiar with how we   10:49:50

23   assign the actual member numbers to the courts, and she   10:49:53

24   would have to answer that. I'm -- I don't want to   10:49:55

25   speculate. I think I know the answer, but I'd prefer   10:49:59

51

1   that Shawn answer how the -- the numbers are assigned   10:50:02

2   to the courts.   10:50:11

3   Q   Sure. I understand you don't want to   10:50:11

4   speculate.   10:50:11

5   A   Yeah.   10:50:11

6   Q   And I'll -- and I'll take it as -- as just   10:50:11

7   a -- a guesstimate that's certainly better than mine,   10:50:12

8   though. And so, what is your guesstimate?   10:50:17

9   MR. LOVE: I object to the form.   10:50:23

10   Q   (By Mr. Bennett) I should say what -- I can   10:50:24

11   ask you to speculate, but -- but it's not truly   10:50:25

12   speculating. You have some knowledge. It's just   10:50:30

13   you're not as confident as you are in other areas.   10:50:32

14   A   I just -- I don't remember at that level. We 10:50:35

15   store the data by member number, which in this case   10:50:38

16   would be by -- I've always referred to it as   10:50:42

17   courthouse.   10:50:44

18   Now, within a courthouse are there the -- is   10:50:44

19   there state, federal, and all of that contained in   10:50:45

20   that? I don't think so. I think we have a different   10:50:50

21   number for federal versus state. But again, Shawn   10:50:57

22   would have to answer that.   10:50:57

23   Q   And so within this -- this Courthouse Number   10:51:07

24   1, whatever that may be, the -- there are certain data   10:51:11

25   that Marti -- Is that her name again?   10:51:14

                        52

1   A   Well, she's a business analyst.   10:51:18

2   Q   All right.   10:51:21

3   -- that she could access within the QA Review 10:51:21

4   system?   10:51:26

5   A   Okay. Yeah, she's got access to some of the   10:51:26

6   data.   10:51:27

7   Q   And what -- what types of data? I think you   10:51:28

8   started to list -- you said, for example, total number   10:51:31

9   of records, for example.   10:51:34

10   A   Well, that's not Marti. That's what's in the   10:51:36

11   QA Review. What is available to the user is -- we can   10:51:38

12   see -- we -- the system is really centered around what   10:51:43

13   we call a job, and a job is a data contribution.   10:51:47

14   And it is a discrete set of records that are   10:51:52

15   contributed by a -- what we call a customer, and then   10:51:56

16   the customer may also fall under what's called a data   10:51:58

17   provider because there are data consolidators. And   10:52:03

18   the --   10:52:10

19   Q   Like Fidelity.   10:52:11

20   A   Like FDR.   10:52:12

21   Q   FDR?   10:52:15

22   A   First Data.   10:52:16

23   Q   First Data?   10:52:17

24   A   Right. So there are data consolidators who   10:52:17

25   will consolidate a lot of what we call customers, which 10:52:19

53

1 then -- that can be one or many member numbers. So   10:52:24

2 they may consolidate it. So we -- the data and the   10:52:27

3 jobs come in at what we call a data provider level,   10:52:27

4 customer level, and then under the customer level they   10:52:33

5 may break out into a variety of member numbers which   10:52:37

6 are -- can be a breakout of one logical customer, it   10:52:39

7 can be a breakout of several customers under the data   10:52:44

8 provider.   10:52:50

9   Q   And is LexisNexis within that same   10:52:51

10 categorization?   10:52:53

11   A   Well, we consider --   10:52:54

12   Q   Structure, I mean.   10:52:55

13   A   We consider LexisNexis to be a data provider. 10:52:55

14 I'm not sure in the system -- I believe the courthouse   10:52:59

15 level is the -- is -- what would be analogous to the   10:53:02

16 customer level or the reporting level.   10:53:07

17   So you have the different member numbers that 10:53:10

18 roll up under -- under LexisNexis. Now, they send to   10:53:11

19 Data QA a file that is a contribution. That file may   10:53:16

20 be a contribution from just one courthouse or from a   10:53:20

21 consolidation of several.   10:53:25

22   But in the system we break them out by that   10:53:28

23   member number into subfiles, and then those files are   10:53:32

24   reported to the -- the ACRO system. And that's just an 10:53:35

25   internal processing way that we do it.   10:53:36

                                54

1   Now, Data QA gives the user a view into how   10:53:43

2   those jobs are broken out and run through the system.   10:53:47

3   And so as a part of that is more -- there's a large   10:53:50

4   portion of Data QA that is an operations tool, managing 10:53:54

5   the flow of the data, not just quality assurance --   10:53:57

6   that's a big piece -- but also just managing the flow   10:53:58

7   of the data, making sure it gets -- it's processed in a 10:54:01

8   timely manner, that there aren't any, quote, holds put   10:54:06

9   on the data due to something triggering because the   10:54:06

10   system is suspicious of what it's seeing.   10:54:11

11   If -- and so the quality assurance analyst   10:54:14

12   also manages the processing of the data. And a lot of   10:54:18

13   statistics are gathered in terms of numbers of records   10:54:21

14   input to a subsystem, numbers of records output, then   10:54:21

15 the breakout at the customer level to subfiles that   10:54:21

16 then are subsequently processed and -- and it --   10:54:30

17   So there are statistics along the way, but I   10:54:33

18 don't know that they're going to be of interest to you   10:54:39

19 because it's numbers of records, dates that they were   10:54:40

20 -- the data was received, dates that -- date and time   10:54:41

21 actually because we process in less than 24 hours.   10:54:48

22   So date and time stamps are gathered on how   10:54:51

23 long it takes us to process the data from once it's   10:54:54

24 received to posting, typically less than 24 hours,   10:54:58

25 usually less than six. But it's prepped and sent to --   10:55:00

55

1 to update.   10:55:08

2   Q   What's the most comprehensive screen, what I   10:55:09

3 call a report, that could be generated regarding a   10:55:14

4 specific member, particularly public records numbers at 10:55:18

5 the courthouse?   10:55:18

6   A   The Data QA tool, the last time I was in   10:55:26

7 there had, gosh, probably ten -- ten subsystems or 10   10:55:28

8 potential screens. So it really depends on what you're 10:55:31

9 looking for.   10:55:35

10   If you're looking at an operations level, the 10:55:37

11 most informative screen is called Job Management where 10:55:37

12 you go in and you see the data that's arraigned, you   10:55:44

13 see what's in process, you can see the stage that it's   10:55:45

14 in, you can also see what's completed and what's been   10:55:46

15 posted to file. That's a valuable one.   10:55:50

16   If you are researching individual accounts,   10:55:58

17 then a more meaningful tool is the data viewing tool   10:56:00

18 where you actually open up a file and view data that   10:56:04

19 has arrived. And you can view it when it arrives, and   10:56:06

20 then when it's in what we call a master database record 10:56:09

21 update form and look at the two records side by side or 10:56:15

22 at any step in the process.   10:56:20

23   So you can look at specific data.   10:56:22

24   If you want to look at rules that are applied 10:56:24

25 to the data, then there is a -- another screen to bring 10:56:27

1   up all of the -- what's called field layouts and   10:56:32

2   segment layouts, and you can view what rules are being   10:56:33

3   applied to -- to this particular contributor's data.   10:56:37

4   And then those are things like I spoke about   10:56:40

5   earlier. It will define, should we see the name and -- 10:56:43

6   first, middle, last or last, middle, first structure.   10:56:45

7   Things like that are defined in those specific rules.   10:56:50

8   The -- so it really depends what you --   10:56:54

9   there's a triggering tool where you can set up holds   10:56:57

10 and watches and trigger me -- trigger -- let me know   10:57:00

11 when certain data has arrived. So it really depends on 10:57:05

12 what hat you're wearing, what you're trying to view.   10:57:09

13   Q   Well, what is the documentation that exists   10:57:15

14 for a user who is attempting to understand how to   10:57:20

15 obtain these -- those subscreens as well as interpret   10:57:24

16 them?   10:57:29

17   A   There is a -- I believe a user document that 10:57:29

18 is -- a user's guide that's published by the team.   10:57:32

19 I -- I -- most of our users -- like I said, I've known   10:57:40

20 them for about 20 years, and most of our users worked   10:57:43

21 in the old system and now are working in the new   10:57:46

22 system.   10:57:49

23   So they're pretty savvy in both the use of   10:57:50

24   the system, understanding the data, understanding the   10:57:57

25   quality assurance process, understanding the posting of 10:57:59

57

1   the data, and how to use the system and how to request   10:58:04

2   information. So it's --   10:58:12

3   Q   Well, there -- there are probably individuals 10:58:13

4   who develop greater expertise for certain tapes (sic)   10:58:14

5   of -- types of quality analysis based on their   10:58:18

6   experience. So, for example, LexisNexis data is QA'd   10:58:23

7   differently in some respects -- similarly in some, but   10:58:27

8   differently in some than ACME Credit Company; right?   10:58:32

9   MR. LOVE: I object to the form.   10:58:33

10   THE WITNESS: You're asking operations   10:58:35

11   questions now, and really I need to defer to Shawn 10:58:36

12   on the specifics of that. I really -- my -- I'm   10:58:37

13   limited to the systems and kind of how the systems 10:58:41

14   work. I -- you're getting into the quality   10:58:46

15   assurance role. And, I -- I mean, my -- I've told 10:58:48

16   you I've worked with them a long time. I --   10:58:50

17   Q   (By Mr. Bennett) Well, do you know who   10:58:55

18 works -- what user -- what users work with LexisNexis   10:58:57

19 member numbers?   10:59:02

20   A   Shawn would have to answer that.   10:59:03

21   Q   Would you like to take a break?   10:59:04

22   MR. LOVE: I was going to suggest that. It's 10:59:06

23   11 o'clock.   10:59:09

24   MR. BENNETT: Plus I want to see if I can   10:59:11

25   reach a stipulation with you about something.   10:59:14

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1   MR. LOVE: Okay. Why don't we -- let's just   10:59:16

2   take a five-minute break.   10:59:17

3   THE VIDEOGRAPHER: We're off the record at   10:59:19

4   10:58 a.m.   10:59:21

5   (Recess.)   10:59:22

6   THE VIDEOGRAPHER: This is the beginning of   11:21:45

7   Tape Number 2. The time is 11:21 a.m. and we are   11:21:46

8   back on the record.   11:21:50

9   MR. BENNETT: Ma'am, we have a -- or, I   11:21:54

10   should say, Counsel, we've stipulated and agreed   11:21:58

11   that we would push any individual summary judgment 11:22:03

12   motion, the merits determination as to the   11:22:06

13   plaintiff into the second phase. In exchange, I   11:22:10

14   will further narrow my discovery requests,   11:22:15

15   deposition questions, document requests.   11:22:17

16   Similarly, you will do so with the   11:22:20

17   plaintiff's deposition, and we then agreed that we 11:22:22

18   would produce her as necessary for a second phase   11:22:28

19   on the merit issues.   11:22:32

20   MR. GOHEEN: Agreed.   11:22:35

21   Q   (By Mr. Bennett) Now, ma'am, there are some   11:22:36

22   individuals that have been offered and whose deposition 11:22:37

23   I will be taking today and tomorrow besides yourself.   11:22:39

24   One of them -- You've mentioned Shawn DeGrace. What -- 11:22:45

25   who is Shawn DeGrace?   11:22:47

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1   A   Shawn DeGrace is -- works on -- she does not 11:22:48

2 work in technology. She works in one of the business   11:22:54

3 units, and her focus is the -- sort of handles on the   11:22:57

4 business side our -- our public record vendor,   11:23:04

5 LexisNexis.   11:23:06

6   She also is, I think, the person primarily   11:23:11

7 responsible for the -- the data from sort of a broad   11:23:14

8 scope. She doesn't do the quality assurance   11:23:17

9 necessarily, but she is more of a -- a business person   11:23:19

10 in terms of public records data.   11:23:24

11   Q   And do you deal with Alisha Fluellen?   11:23:27

12   A   Yes, I know Alisha well.   11:23:30

13   Q   And in what context or what circumstances do   11:23:32

14 you interact with Alisha?   11:23:37

15   A   Alisha is in the consumer center which   11:23:39

16 handles consumer disclosures and disputes and issues   11:23:42

17 related to that, and I -- since I have technology   11:23:48

18 responsibility for the consumer credit reporting   11:23:59

19 database in technology, her operators perform   11:23:59

20 maintenance on our system.   11:24:01

21   So we have interactions around   11:24:06

22 consumer disclosure and dispute.   11:24:07

23   Q   The -- I'm not going to ask about the   11:24:09

24   substance of those communications, but how much of your 11:24:16

25   job entails interaction with Equifax's legal   11:24:23

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1   department?   11:24:27

2   A   Well, there are several ways in which I deal   11:24:28

3   with our legal department. Primarily our -- our   11:24:32

4   system -- we have to run our systems within the -- the   11:24:40

5   regulations established by the federal government as   11:24:42

6   well as the state governments.   11:24:49

7   And so we work with our legal department to   11:24:52

8   make sure that we comply with the existing legislation. 11:24:56

9   We may also discuss pending legislation and whether or   11:25:05

10   not we are already doing things in the system that are   11:25:08

11   with -- would satisfy that pending legislation or if we 11:25:11

12   would need to make -- make changes in what is -- what's 11:25:15

13   taking place in the legislative regulatory environment. 11:25:21

14   So obviously I have a very good and close   11:25:24

15   relationship with the legal department because we are   11:25:27

16 highly regulated, or at least that database is highly   11:25:29

17 regulated.   11:25:35

18   Q   And what employees of Equifax's legal   11:25:36

19 department do you interact with?   11:25:39

20   A   There are several of them that I have   11:25:44

21 interacted with over the years. The -- I frequently   11:25:48

22 interact with Troy Kubis (phonetic), but also -- Let's   11:25:55

23 see. Some of these people may not even be there still. 11:25:58

24   I've I interacted with Bob Zecker. Gosh,   11:26:05

25 you're asking me to remember names.   11:26:07

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1   Q   Well, the current --   11:26:09

2   A   There have been several.   11:26:09

3   Q   Your current contact is Troy Kubis?   11:26:11

4   A   I typically talk with Troy. I may now and   11:26:12

5   then talk to Julie, but usually it's Troy.   11:26:21

6   Q   Now, you know, ordinarily the better   11:26:28

7   plaintiff's attorney would ask questions about your   11:26:32

8   preparation for the case. Have you -- in the beginning 11:26:34

9   of the deposition. Have you had an opportunity to   11:26:37

10 review the lawsuit in this case?   11:26:38

11   A   A very -- I've reviewed very little   11:26:42

12 documentation.   11:26:45

13   Q   And what is your understanding of this case?   11:26:47

14 What is it about as you understand?   11:26:54

15   A   I believe that Donna Soutter is -- had a -- a 11:26:56

16 judgment put on her file that later was -- had a   11:27:02

17 disposition. I don't recall the disposition. It might 11:27:05

18 have been satisfied. And I believe that there was a -- 11:27:11

19 a gap between the satisfaction and the reporting of it   11:27:15

20 is what I believe happened.   11:27:22

21   I'm not sure I'm getting that right.   11:27:24

22   Q   And have you come to any conclusions about -- 11:27:28

23 about that allegation --   11:27:30

24   MR. LOVE: I object --   11:27:35

25   Q   (By Mr. Bennett) -- about the case in general 11:27:35

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1   based on your review of the information?   11:27:37

2   MR. LOVE: I object to the form.   11:27:39

3   THE WITNESS: No, I really don't know -- I   11:27:41

4   have not reviewed any frozen scans to do any   11:27:44

5   forensic analysis. I have --   11:27:47

6   Q (By Mr. Bennett) Forensics, the word I was   11:27:50

7 looking for. Sorry.   11:27:52

8   A I use that to --   11:27:53

9   Q Not autopsy.   11:27:57

10   A I haven't done any forensic analysis on -- on 11:27:58

11 it. I haven't really looked -- I haven't looked at any 11:28:00

12 frozen scans for Miss Soutter. I have looked at a   11:28:09

13 couple of interrogatory questions -- I think that's how 11:28:13

14 you say that word -- and then the class definition as   11:28:16

15 it exists right now. That's about it.   11:28:27

16   Q Now, the -- I sidetracked myself. I had   11:28:33

17 asked about -- about Shawn DeGrace. We're taking Lee's 11:28:37

18 deposition this afternoon. And what is Lee's last   11:28:45

19 name?   11:28:49

20   MR. LOVE: Lovvorn.   11:28:50

21   Q (By Mr. Bennett) Okay. You'll have to help   11:28:50

22 her out with it, but --   11:28:49

23   A It's L-o-v-v-o-r-n, Lee Lovvorn.   11:28:51

24   Q   And who is Lee Lovvorn?   11:28:56

25   A   He's a senior vice president, and I don't   11:28:59

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1   recall what group -- business unit he's in right now.   11:29:01

2   Lee's been with the company a very long time. I've   11:29:06

3   known Lee almost my entire career at Equifax and at one 11:29:09

4   point reported to Lee. So I'm very --   11:29:12

5   Q   What does he do for Equifax?   11:29:14

6   A   You'll have to ask Lee. I just -- he's a   11:29:16

7   good friend.   11:29:20

8   Q   He does something for Equifax.   11:29:21

9   A   I just am not familiar with what his role is   11:29:23

10   right now.   11:29:25

11   Q   Is --   11:29:27

12   A   He's -- he's worked in many of the areas,   11:29:27

13   including ran R&D for a short time, so --   11:29:30

14   Q   Is -- does he have a math or a computers or   11:29:32

15   statistics background?   11:29:35

16   A   I'm not familiar with his educational   11:29:37

17 background.   11:29:41

18   Q   Is he a lawyer?   11:29:42

19   A   I'm pretty sure he's not a lawyer.   11:29:44

20   Q   What tasks has he done, specific tasks has he 11:29:48

21 done that you do know?   11:29:50

22   A   He ran our consumer disclosure and dispute   11:29:52

23 center when we -- I believe he was the one that was   11:29:57

24 running it when we first opened the center in the early 11:30:00

25 '90s -- late '80s, actually. I believe he helped build 11:30:03

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1 that out.   11:30:07

2   Lee ran for a short while -- and he may not   11:30:09

3 remember running research and development. I reported   11:30:12

4 to him for a very short while. He also ran our   11:30:17

5 commercial business for a while. I was the technology   11:30:20

6 lead for the commercial system at the time that he was   11:30:23

7 running commercial, so we worked together in -- in that 11:30:30

8 regard.   11:30:32

9   He's worked in sales. He's run a variety of 11:30:32

10   sales teams and -- in the sales organization. I have a   11:30:38

11   lot of respect for Lee.   11:30:41

12   Q   It sounds like it. He sounds like a nice   11:30:53

13   guy.   11:30:54

14   A   I think very highly of him.   11:30:57

15   Q   Now, have you had an opportunity to make --   11:31:10

16   or to learn or obtain any information about the -- what   11:31:12

17   I'll call public records process, the QA process or the   11:31:20

18   archiving or any -- any aspect of Equifax's collection   11:31:25

19   of data related or unique to, rather, the Virginia   11:31:30

20   public records that would be different than, say, the   11:31:36

21   Colorado public records?   11:31:39

22   A   I don't understand your question. Are you   11:31:40

23   asking if we treat Virginia in a different way than we   11:31:43

24   treat Colorado?   11:31:47

25   Q   Sure. And I don't mean that in a -- that you   11:31:48

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1   treat them in a -- you know, with any negative   11:31:50

2   connotation. But, you know, Virginia courts   11:31:54

3   theoretically are different than courts in another   11:31:56

4   state.   11:31:58

5   Is there any -- are there any unique aspects   11:31:59

6   of which you're aware to the way that Virginia public   11:32:00

7   records are gathered, maintained or used by Equifax?   11:32:06

8   A   The -- from a system perspective I'm not   11:32:08

9   aware of any differences in the way we handle public   11:32:10

10 records across the United States from one court to   11:32:15

11 another. There might be some subtle differences as you 11:32:18

12 were talking about earlier that we have federal court   11:32:20

13 systems and state court systems.   11:32:23

14   And if there's specific rules to that, I'm   11:32:24

15 not myself aware of them. Shawn DeGrace would   11:32:30

16 understand really more of the business relationship   11:32:32

17 we -- we have either directly with the courts or   11:32:34

18 through the vendor, LexisNexis.   11:32:36

19   So she really needs to answer that from the   11:32:38

20 broader business process perspective.   11:32:41

21   From a systems perspective I can't think of   11:32:42

22 any way we would be handling one more unique -- one   11:32:46

23 in -- Let's see. I believe we handle them all in the   11:32:56

24 same manner.   11:33:03

25   Q   Now, the -- I've joked and I've jested about   11:33:03

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1   the ACRO system. What is ACRO? It's A-C-R-O, I   11:33:07

2   believe?   11:33:07

3   A   Yes, it's a very old acronym, and I believe   11:33:12

4   that the acronym ACRO actually stands for Automated   11:33:15

5   Credit Reporting Online is what I was told. But it's   11:33:18

6   a -- the name that we use to refer to our consumer   11:33:25

7   credit reporting database, and it also will refer   11:33:30

8   sometimes to the products we deliver, ACRO credit   11:33:34

9   report, ACRO file is another term used in terms of --   11:33:37

10   from a product perspective. And --   11:33:39

11   But ACRO also refers to a little bit more of   11:33:41

12   the broader system, beyond just the credit reporting   11:33:40

13   database, more of a broader system of our   11:33:40

14   inter-communication system. The modeling system   11:33:40

15   sometimes is referred to as being part of ACRO.   11:33:53

16   So it's a term unfortunately that -- that   11:33:59

17 wears several hats. But in general, when we speak with 11:34:04

18 people outside the company we're talking about the   11:34:07

19 Equifax consumer credit reporting database.   11:34:10

20   Q   And what is a frozen scan?   11:34:13

21   A   A frozen scan, like I said earlier, is a   11:34:15

22 snapshot in time of the state of our credit report at   11:34:18

23 that moment in time, a credit reporting -- a snapshot   11:34:21

24 of our credit reporting database.   11:34:27

25   And the credit reporting database is   11:34:29

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1 constantly changing. It's -- it's never static. So   11:34:34

2 the -- the snapshot is a -- is a frozen-in-time picture 11:34:38

3 of how the credit reporting database looked at the   11:34:42

4 moment me took the snapshot, and that is saved or   11:34:45

5 archived to tape.   11:34:49

6   Q   And what department is responsible for the   11:34:51

7 frozen scan system?   11:34:54

8   A   There isn't a frozen scan system. It's a --   11:34:55

9   Q   Function. How about the frozen scan   11:34:59

10 function?   11:35:00

11   A   The frozen scans are stored onto tape, and if 11:35:01

12 someone wants to go back to the tapes to do some   11:35:04

13 research, it would be the teams that report to me that   11:35:08

14 would be responsible for pulling the data out of those   11:35:11

15 tapes.   11:35:14

16   Q   Who are the individuals on those teams?   11:35:15

17 Well, let's start with this. What is the team or what   11:35:16

18 teams --   11:35:23

19   A   Well, it can be either the ACRO support team, 11:35:23

20 and they report to me through a manager named Jim   11:35:27

21 Shick, S-h-i-c-k, or the database team. And the person 11:35:29

22 that reports to me on the database team is Nancy   11:35:34

23 Everett, E-v-e-r-e-t-t.   11:35:42

24   That's the core team of -- of ACRO support.   11:35:42

25 I also have a team of what we call ACRO development.   11:35:42

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 1 They typically do not deal with the frozen scans. But   11:35:54

 2 that part of my team -- it's not that I couldn't give   11:35:57

3   them a project that involves the frozen scans. So that   11:36:01

4   part of my team reports to a manager named John   11:36:04

5   Kalinowski, who is also the manager of the Data QA   11:36:06

6   team. And John's name is K-a-l-n-o-w-s-k-i. Kalin --   11:36:15

7   oh, wait a minute. K-a-l-i-n-o-w-s-k-i. I think I got   11:36:15

8   that right.   11:36:15

9   Q   Now, was the frozen scan -- or did Equifax   11:36:22

10 use frozen scans when you started back in 1990?   11:36:38

11   A   Yes.   11:36:42

12   Q   And have you supervised changes to the frozen   11:36:43

13 scan -- what I will say the frozen scan process?   11:36:52

14   A   As far as I know, we haven't made any changes   11:36:54

15 to it while I have been managing it.   11:36:56

16   I -- I need to correct something that I said   11:37:00

17 earlier. We do have in Alisha's team some people who   11:37:02

18 have access to the frozen scans. We have given them   11:37:07

19 instructions, I guess is the best way to say it, on how   11:37:12

20 to go and pull files or -- or pull scans out of that --   11:37:19

21 out of the tapes.   11:37:22

22   I think it's very -- a very generic pull the   11:37:22

23 way we've told them to do it. If it requires any more   11:37:24

24 depth of research, then usually Nancy's team gets   11:37:30

25   involved.   11:37:31

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1   So there -- it's not that my team's the only   11:37:32

2   one that will be looking at frozen scans, but we really 11:37:32

3   are the ones that manage it -- I'd say probably would   11:37:42

4   take ownership of it.   11:37:44

5   Q   And by what means did you instruct Alisha's   11:37:46

6   team how to access the frozen scan?   11:37:49

7   A   I would have to go look at what we gave them. 11:37:53

8   It's probably a -- it would -- what would run against   11:37:57

9   it is a main frame job that contains JCL, and -- job   11:38:03

10   control language. That's an IBM term. And the job   11:38:07

11   control language would -- it would give it some   11:38:12

12   instructions on what to go in and -- and search for on   11:38:17

13   the -- on the frozen scans.   11:38:21

14   So we've -- I haven't seen how they do it,   11:38:24

15   but they probably put it into either a spreadsheet or a 11:38:26

16   file of some kind, the name, address, and Social   11:38:30

17   Security Number of what they're looking for, and some   11:38:33

18   other basic information that then would be read by the   11:38:36

19   -- the job control language and so it could go in   11:38:39

20   processing the background.   11:38:42

21   Q   I guess the question, though, is how did you   11:38:44

22   actually teach them how to do that? Did you -- was it   11:38:47

23   by a -- an operations manual or a -- a memo, an email?   11:38:50

24   A   I was not around when they were taught. I   11:38:56

25   think they've been doing the function for a while and   11:38:58

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1   they're well schooled in how to use the system. I --   11:39:03

2   I've reviewed scans that they've pulled, and they do a   11:39:07

3   good job of pulling complete sets. I think they know   11:39:09

4   what they're doing, at least when I've gone to review   11:39:13

5   information that they've pulled.   11:39:16

6   So I wasn't around when they were trained,   11:39:16

7   and I think they've been doing it for a while. So I   11:39:18

8   think it's more of a -- just a -- on infor -- just what   11:39:24

9   they know how to --   11:39:33

10   They know how to do their job, so how that   11:39:35

11 was -- how they learned it, I wasn't around.   11:39:41

12   Q   Well, what systems or operations documents   11:39:43

13 exist to train or provide to any of your employees   11:39:49

14 about the frozen scan?   11:39:51

15   A   I'd have to go research what documentation we 11:39:53

16 might have on frozen scans. I'm -- I'm not sure that   11:39:56

17 the -- I'm not sure that there is any, and I'm not sure 11:39:58

18 it's really needed, and -- and here's why.   11:40:02

19   It's part of a standard -- there -- there are 11:40:04

20 backup procedures that are done in computing technology 11:40:06

21 on a regular basis, and what we do is we have as a part 11:40:09

22 of those backup procedures once a month, again, a job   11:40:15

23 with JCL in it, runs and takes a snapshot and does a   11:40:18

24 backup to tape of the database at that moment in time.   11:40:22

25   That -- that snapshot is also shared with   11:40:27

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1 other groups. Credit Marketing Services might get a   11:40:30

2 copy.   11:40:34

3   But we store it as the -- what you're calling 11:40:34

4   the -- the frozen scan tapes. And then the process for 11:40:37

5   retrieving it is a standard IT function of pulling data 11:40:40

6   off of tapes.   11:40:46

7   So as far as needing a user manual or   11:40:46

8   anything, it's sort of a standard function. I don't   11:40:51

9   know that we've gone and written down you go to the   11:40:54

10 backup tapes and pull the data off.   11:41:00

11   Q   Well, I mean, I can't imagine from what -- I   11:41:06

12 could for TransUnion maybe. I'll say it on the record. 11:41:13

13 But I cannot imagine that -- that your company has no   11:41:20

14 written protocol for its system archiving its credit   11:41:25

15 files.   11:41:34

16   MR. LOVE: I object to the form.   11:41:34

17   Q   (By Mr. Bennett) I mean --   11:41:35

18   A   Well, let me -- obviously we have written   11:41:35

19 policies and procedures around the storage of data, and 11:41:39

20 we have very thorough policies around data retention   11:41:42

21 and the sensitivity of the data, what's classified as   11:41:46

22 confidential, and we have a lot of guidelines around   11:41:49

23 the storage of our data. And that's very important to   11:41:55

24 us.   11:41:59

25   Now, a backup procedure is a standard IT   11:41:59

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1   function. You can go to an IBM manual and look up how   11:42:00

2   backups are performed to tape. But we don't have --   11:42:08

3   the way that function is performed, there isn't a need   11:42:12

4   to have a well documented manual of a standard IT   11:42:17

5   function. So --   11:42:24

6   Q   Let me try this. For as long as you have   11:42:26

7   been working there, I'm assuming, at a certain point in 11:42:34

8   time a taped archive is saved.   11:42:40

9   A   Okay.   11:42:40

10   Q   Right?   11:42:40

11   A   Yes.   11:42:46

12   Q   That's correct. That's a -- that's a   11:42:46

13 procedure that's institutionalized at Equifax. So I'm   11:42:51

14 asking where that procedure is written.   11:43:00

15   MR. LOVE: I object to the form.   11:43:01

16   THE WITNESS: I don't understand really your   11:43:02

17   question. I'm back to -- it's almost like your   11:43:06

18   question doesn't make sense to me.   11:43:09

19   Q   (By Mr. Bennett) All right. Let me -- let   11:43:10

20   me --   11:43:10

21   A   Backups are a standard process in IT -- in   11:43:10

22   standard IT function, and we do have a -- we do reviews 11:43:15

23   of what parts of the system are part of that backup.   11:43:23

24   And there are a lot of reasons for backing up.   11:43:26

25   We back up the system for disaster recovery.   11:43:27

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1   We take snapshots of our system on a daily basis for -- 11:43:28

2   to keep the -- the -- what is called the DR process   11:43:35

3   refreshed on a daily basis.   11:43:39

4   Those -- those tapes are not kept, but   11:43:41

5   there's a process for that. That is documented in the   11:43:44

6   DR process. But the function of backing up the system   11:43:46

7   for the DR process, we don't necessarily have that laid 11:43:53

8   out because it's a standard process. It's in the job   11:43:55

9   control language. It has a set time frame for -- for   11:44:01

10   running, and those jobs are -- are -- your   11:44:04

11   documentation, I suppose, would be the JCL.   11:44:08

12   So obviously the processes that kick off a   11:44:14

13   backup are well documented. The frozen scans are   11:44:19

14   taken -- they themselves are not a separate process.   11:44:22

15   We don't have a process that says go take a frozen   11:44:26

16   scan.   11:44:31

17   The frozen scans are a part of a -- a refresh 11:44:31

18   process that takes place where -- we can take it off of 11:44:35

19   the refresh that occurs on the DR process, we can take   11:44:37

20   it off of the refresh to CMS.   11:44:43

21   But what occurs there is that during these   11:44:46

22   backups when we're taking snapshots, we preserve one of 11:44:51

23   them for the purpose of pulling back frozen scans. But 11:44:55

24   we don't have a separate process -- we don't write   11:44:59

25   these tapes many, many times. We just make sure that   11:45:01

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1   we save a copy of them on a monthly basis so that we   11:45:03

2   can go back to the frozen scans.   11:45:06

3   Q   Well --   11:45:09

4   MR. LOVE: And -- and if I may, Equifax is   11:45:10

5   designate -- designating the testimony concerning   11:45:12

6   frozen scans and the frozen scan process as   11:45:13

7   subject to the protective order.   11:45:17

8   Q   (By Mr. Bennett) Now, so CMS receives a full   11:45:21

9 backup, not a 5 percent?   11:45:22

10   A   CMS has a -- has a copy of the database.   11:45:42

11   Q   And does DR -- is that disaster recovery?   11:45:47

12   A   Yes.   11:45:49

13   Q   And that's --   11:45:49

14   A   DR is disaster recovery.   11:45:50

15   Q   That's taken every day?   11:45:51

16   A   Yes, but it's not -- there's no historical   11:45:51

17 record. It's a -- it is -- we want a snapshot, a daily 11:45:54

18 snapshot of our file, of our -- not just our file, our   11:45:58

19 entire system, all the programs and everything around   11:46:00

20 the ACRO credit reporting system.   11:46:07

21   We take a snapshot of that, and it is shipped 11:46:09

22 offsite so that in the event of a disaster we have a -- 11:46:13

23 that is our most current copy of the system.   11:46:17

24   And so we try to keep it within a 24-hour   11:46:20

25 time frame, but we don't keep that historical record.   11:46:23

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1 It's just refreshed daily.   11:46:27

2   Q   Is there a third party company that maintains 11:46:31

3 the DR copy for that 24-hour period?   11:46:33

4   A   IBM is -- hosts our disaster recovery site.   11:46:37

5   Q   And do they have -- is there a formal -- a   11:46:42

6 written protocol to overwrite the previous day's DR   11:46:47

7 copy?   11:46:50

8   A   Well, they don't overwrite necessarily. The   11:46:54

9 -- the site is maintained a couple of ways. Some of   11:46:56

10 the data is done via what's called a flash copy where   11:47:01

11 it is an electronic copy that is sent over a network to 11:47:05

12 the disaster recovery site.   11:47:10

13   Then some of it is stored on tape. So it's   11:47:11

14 a -- it's a mixture. And the tapes are not necessarily 11:47:14

15 loaded to the system and refreshed, we just simply have 11:47:19

16 the tapes there. And then in the event of an event, we 11:47:23

17 have a current copy of the tapes and they will be   11:47:28

18 loaded at the time of the event.   11:47:30

19   MR. LOVE: And again, if I may, to the extent 11:47:32

20   that any testimony about the disaster recovery 11:47:33

21   process is considered to be different than 11:47:38

22   testimony about the frozen scan issue, Equifax 11:47:39

23   also designates testimony about the disaster 11:47:44

24   recovery process subject to the confidentiality 11:47:48

25   order.   11:47:49

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1   THE WITNESS: Yeah, that -- I consider this 11:47:53

2   very sensitive.   11:47:50

3   MR. BENNETT: I understand. And this -- I'm 11:47:55

4   okay with just keeping it protective until you -- 11:47:56

5   we clear this, and you tell me, or I -- or I'll 11:48:00

6   ask you and you tell me. Okay?   11:48:03

7   Q (By Mr. Bennett) So it's maintained by IBM 11:48:07

8 itself?   11:48:10

9   A Well, you would need to -- there's actually a 11:48:11

10 VP in charge of our disaster recovery processes, and 11:48:15

11 those are fully documented. And we have an agreement 11:48:18

12 with IBM. My participation is that -- we have every   11:48:23

13 six months a disaster recovery test. My teams   11:48:27

14 participate in that DR test.   11:48:35

15   It spans four days, and all the critical   11:48:35

16 systems are brought back up at the disaster recovery   11:48:37

17 site. The specifics where you're going, you really   11:48:40

18 need to talk -- if you need to go there, you need to   11:48:42

19 talk with the person responsible for mitigating risk   11:48:47

20 for technology, which is -- there is an open position   11:48:51

21 right now for a risk officer. And I believe there is a 11:48:54

22 VP responsible for disaster recovery, but I'm not   11:48:58

23 familiar with his -- I don't know his name.   11:49:38

24   Q   Do you actually work for Equifax,   11:49:45

25 Incorporated? Is that your paycheck signer?   11:49:49

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1   A   I don't -- I haven't looked. It's --   11:49:54

2   Q   This is -- this is your organizational chart. 11:49:58

3 You don't have to -- it's just a point to see. It's a   11:49:59

4 big picture with lots of different companies. I'm not   11:50:00

5 asking you to choose which one. The point is is there   11:50:03

6 are a lot of entities.   11:50:07

7   Do you -- you don't know who your actual --   11:50:13

8 which company you actually work for?   11:50:15

9   A   I have -- believe it's Equifax Information   11:50:17

10 Services, LLC. If it's Equifax, Inc., I'm -- I need to 11:50:19

11 correct what I've been saying because I'm -- I think   11:50:24

12 the -- my W-2 says Equifax Information Services, LLC.   11:50:30

13 That's what I -- I'm pretty sure.   11:50:38

14   Q   Who is John Carter? Do you know?   11:50:41

15   A   Yes, I know John.   11:50:44

16   Q   How does he fit into the organization   11:50:45

17 relative to you?   11:50:47

18   A   John is in what we call a business unit or   11:50:48

19 a -- a center of excellence, and John's responsibility   11:50:56

20 is -- well, he's our senior vice president over data.   11:51:00

21 And what that means is his team is really responsible   11:51:10

22 for -- to a certain extent some relationships with   11:51:13

23 vendors, but also we work closely with his team on   11:51:16

24 business rules around managing our data.   11:51:20

25   So he's -- he's like data management.   11:51:25

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1   Q   Now, back to the DR discussion. I understand 11:51:27

2 that's not your primary function, that you only   11:51:33

3 interact with that function periodically. But you're   11:51:36

4 here, you're sworn in as the witness. IBM is the   11:51:42

5 entity that you -- that you believe receives the daily 11:51:57

6 copies of the DR copy. Is that correct?   11:52:03

7   A   Yes.   11:52:06

8   Q   And have you had any interactions with any of 11:52:06

9 those individuals at IBM or the persons or the   11:52:09

10 department or the branch?   11:52:12

11   A   Yes, I've -- I interact with IBM's -- their   11:52:13

12 disaster recovery teams during the tests.   11:52:19

13   Q   And where are those individuals based?   11:52:21

14   A   I don't know. They -- they're all global   11:52:25

15 resources, so I don't know where they're based.   11:52:29

16   Q   Do you know any location of the individuals   11:52:35

17 you've dealt with or any of the individuals?   11:52:37

18   A   Some are in Atlanta and then some are in   11:52:40

19   Sterling Forest, and then -- I don't know where the   11:52:41

20   rest are. But IBM's a very -- they're -- they do   11:52:50

21   global resourcing, which means that they could be based   11:52:53

22   anywhere in the United States or world.   11:53:02

23   Q   And back -- retracing our steps all the way   11:53:05

24   back to the frozen scan process out of the DR process.   11:53:12

25   A   Well, let me clarify.   11:53:14

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1   Q   Sure.   11:53:16

2   A   I didn't say we took the frozen scans out of   11:53:16

3   the DR process. I said --   11:53:17

4   Q   No. No. I'm --   11:53:18

5   A   I was trying to explain to you --   11:53:18

6   Q   I'm backing myself back out.   11:53:20

7   A   Okay.   11:53:23

8   Q   I'm leaving the DR process.   11:53:23

9   A   Okay.   11:53:27

10   Q   We're no longer talking about DR. We're   11:53:27

11   talking about your monthly snapshot which we output as   11:53:29

12 a frozen scan.   11:53:32

13   A   Okay. Let me make sure I'm really clear. I   11:53:32

14 was using the example of the different processes that   11:53:37

15 employ a backup process. I'm not saying those are the   11:53:39

16 ones that we use for the frozen scan. I was trying to   11:53:43

17 make the point that a backup of our system is a   11:53:47

18 standard IT function that is a part of many different   11:53:50

19 processes. That was the point I was trying to make.   11:53:53

20   Q   I understand.   11:53:57

21   A   Okay.   11:53:58

22   Q   The reason I asked all that about the DR   11:53:58

23 system or backup is because I can then explore the   11:54:04

24 possibility that there are daily backup options, as   11:54:07

25 cumbersome as they may be, either through a subpoena to 11:54:12

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 1 IBM or other form of discovery on this ascertainability 11:54:17

 2 question just to -- and I think that the lawyers   11:54:20

 3 certainly would have known that's where I was going.   11:54:23

 4 But I wasn't implying or suggesting my belief that   11:54:25

5   there is any overlay between the two systems or   11:54:32

6   dependence between the two backup methods or purposes.   11:54:35

7   MR. LOVE: I object to the form.   11:54:38

8   THE WITNESS: Okay. Just -- just for   11:54:41

9   clarification, the -- there are data retention   11:54:41

10   policies around how long the DR tapes and   11:54:47

11   information is kept, and the retention is a very   11:54:50

12   short period of time. And the reason for that is   11:54:54

13   to keep a daily snapshot of our system. It's --   11:55:00

14   it's -- that would be an extremely, extremely   11:55:06

15   large amount of storage that would be required.   11:55:09

16   It's already a very large amount of storage   11:55:11

17   that's required just to keep the frozen scans.   11:55:13

18   Q   (By Mr. Bennett) I respect that.   11:55:16

19   A   Okay.   11:55:18

20   Q   But I've also had -- had people testify under 11:55:18

21   oath in my previous litigation with Equifax years   11:55:20

22   before I realized the truth otherwise that frozen scans 11:55:28

23   were actually saved as -- as picture documents, as   11:55:28

24   either -- I don't recall what it was, but maybe not   11:55:28

25   jpegs or -- but maybe pdf equivalents. And so that we   11:55:36

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1 would have had to, in order to search data within   11:55:38

2 the -- the OCR out of the frozen scan.   11:55:40

3   Now, I learned that's not true, but that I -- 11:55:41

4 I'm not as confident as you are in the elimination or   11:55:52

5 deletion on a regular basis of the DR copy. It may be, 11:55:54

6 but that's something that -- I mean, just that I'll get 11:56:00

7 into. Now --   11:56:11

8   MR. LOVE: I object to the form to the extent 11:56:18

9   that's not a question.   11:56:18

10   MR. BENNETT: Sure.   11:56:24

11   Q   (By Mr. Bennett) The -- you know, I had -- I   11:56:24

12 had been asking questions about what documents exist to 11:56:29

13 provide explanation of the -- the process by which data 11:56:32

14 is stored that later could be outputted as frozen   11:56:35

15 scans. Now, I understand that the mechanics of   11:56:41

16 requesting a backup could be found in an IBM manual or   11:56:45

17 a JCL, but -- explanation. But I'm -- I am still   11:56:50

18 asking what documents exist at Equifax to -- that even   11:56:58

19 discuss the frozen scans, I mean, where the frozen scan 11:57:01

20   is used as a phrase.   11:57:03

21   MR. LOVE: I object to the form.   11:57:04

22   THE WITNESS: I -- I would have to go   11:57:04

23   research that. I do not know what documentation   11:57:05

24   we have. I know you -- aside from what I've   11:57:06

25   explained, I would have to go and look for   11:57:15

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1   documentation, if it's there, specific to frozen   11:57:18

2   scan or frozen scan processes.   11:57:22

3   Q   (By Mr. Bennett) And who would maintain that   11:57:24

4   if it exists? Who are you going to go ask?   11:57:25

5   A   I probably will go look myself. We have a --   11:57:30

6   we have a -- a share drive where we keep ACRO   11:57:35

7   documentation, and I would probably go look in the   11:57:37

8   share drive to see if I see anything.   11:57:41

9   Q   What is the share drive titled?   11:57:43

10   A   I don't know what the title is. It's just a   11:57:45

11   location where we keep documentation.   11:57:49

12   Q   And would there be an index, table of   11:57:52

13 contents, or would it just be a list of files?   11:57:55

14   A   Just a list of files.   11:57:58

15   Q   Is there a subfolder that has documentation   11:58:00

16 within there?   11:58:03

17   A   I'm sure there are subfolders. I've seen it   11:58:03

18 before, but I don't spend a lot of time in there.   11:58:15

19   Q   Now, is there any -- is there anyplace that   11:58:24

20 the JCS script or language is stored, that someone   11:58:26

21 could -- you could output with respect to the frozen   11:58:28

22 scan process?   11:58:33

23   A   You could do a system listing, yes. Some of   11:58:33

24 that, depending on -- I'd have to go look at what's   11:58:36

25 used, but if it gets to my team it will be ad hoc   11:58:40

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1 generated probably, so --   11:58:43

2   Q   Well -- but who would use standard routines   11:58:47

3 or scripts?   11:58:51

4   A   There's probably a standard process that the   11:58:51

5 center uses, and I could probably find that JCL and   11:58:53

6 print it out if we needed it.   11:59:01

7   Q   I understand you've not reviewed the frozen   11:59:04

8 scans in this case for Donna Soutter, but you have had   11:59:07

9 an opportunity certainly to review frozen scans   11:59:09

10 generally; right?   11:59:12

11   A   Yes.   11:59:13

12   Q   And I understand that as time has gone on you 11:59:14

13 have, with your experience and the help of other   11:59:17

14 employees, learned how to read these frozen scans.   11:59:19

15   A   Yes.   11:59:23

16   Q   But some Equifax employees might not be so   11:59:24

17 fortunate. And my assumption is that there is some   11:59:26

18 documentation somewhere that that less fortunate   11:59:32

19 Equifax employee without your experience would be able   11:59:35

20 to consult or use to understand the document?   11:59:39

21   MR. LOVE: I object to the form.   11:59:41

22   THE WITNESS: I have never seen one. I --   11:59:43

23   there might be one. I believe that the frozen   11:59:45

24   scan format is a variation of one of our old   11:59:51

25   products -- print format products, and it's -- it   11:59:55

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1   was modified to be used as a frozen scan document   11:59:59

2   is what I believe we have.   12:00:03

3   So there may not be a complete documentation   12:00:05

4   of how to read a frozen scan, but there might be   12:00:07

5   some documentation on how to read a print format.   12:00:07

6   Q   (By Mr. Bennett) And would that also be in   12:00:14

7 the share file -- the share drive, I mean?   12:00:16

8   A   It might be on the share file or it could be   12:00:18

9 in a different location where products are --   12:00:20

10   descriptions are available to customers. It might be   12:00:22

11 there. I'd have to go do some research.   12:00:25

12   Q   What's that location?   12:00:27

13   A   That would be in the ADS database.   12:00:29

14   Q   What does ADS stand for?   12:00:36

15   A   I don't remember. A -- it's ADS -- I'm   12:00:37

16 sorry. I don't remember.   12:00:37

17   Q   No problem. I'm sorry. You're the first   12:00:43

18 witness, so you get stuck with all the general   12:00:48

19 questions.   12:00:51

20   A   All the definitions.   12:00:51

21   Q   Yes, all the definitions.   12:00:52

22   Well, then if you could help me go through   12:00:56

23   the process that -- itself that is -- is used to make   12:01:01

24   the backups. First of all, the language -- and   12:01:05

25   I'm still -- I'm hesitant because I'm not certain in   12:01:06

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1   it. When I say frozen scan, am I describing within   12:01:12

2   Equifax's vernacular the -- the print output or am I   12:01:19

3   describing the underlying data file or both?   12:01:29

4   A   Both.   12:01:29

5   Q   Okay.   12:01:29

6   A   That -- that's how I use the term. I use it   12:01:30

7   to describe both.   12:01:33

8   Q   And I know this isn't your job function at   12:01:35

9   Equifax, but again, I'm confident that -- that there is 12:01:39

10   a file matching, and maybe Lynn Hudziak's role or some   12:01:41

11   other folks at -- I can't remember Pat's -- is it   12:01:47

12   Finnery? No, that's Experian -- but other employees   12:01:49

13 that determine the matching rules for assignment of a   12:01:58

14 particular credit account or a public record to a   12:02:09

15 particular file.   12:02:12

16   But the frozen scan has data already fully   12:02:13

17 assigned and matched to specific files.   12:02:16

18   MR. LOVE: I object to the form.   12:02:22

19   Q   (By Mr. Bennett) Is that correct? That is --   12:02:24

20   A   The -- the frozen scan is a copy of our   12:02:25

21 database. Now, the copy that is taken at that time   12:02:31

22 is -- is the state of the database at that moment in   12:02:39

23 time. And so --   12:02:43

24   I'm not sure what you're asking.   12:02:43

25   Q   Have you heard of the phrase system to system   12:02:46

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1 manual?   12:02:48

2   A   Yes.   12:02:51

3   Q   Or full file fix?   12:02:52

4   A   Yes.   12:02:55

5   Q   Now, there are different actual formats and   12:02:56

6   data contained within that format for different Equifax   12:02:59

7   consumer reports; right?   12:03:04

8   A   Those are terms that we use internally to   12:03:08

9   describe products -- product offerings.   12:03:16

10   Q   But one product -- I mean, if a full file   12:03:17

11   fixed --   12:03:19

12   A   5.0 and 6.0.   12:03:20

13   Q   -- 5.0 and 6.0, all right, will have   12:03:20

14   different -- for different reasons that aren't -- we're   12:03:20

15   not here about right now -- will have different   12:03:26

16   outputted data, I mean slightly, mostly related to FICO   12:03:31

17   changes and the like; right? But, I mean, it will   12:03:35

18   be -- it will be different data that's outputted.   12:03:41

19   What data goes into the frozen scan archive   12:03:45

20   in comparison to, say, froze -- you know, full file   12:03:50

21   fixed 5.0 or 6.0?   12:03:52

22   MR. LOVE: I object to the form.   12:03:55

23   THE WITNESS: Well, you're comparing apples   12:03:56

24   and oranges. Full file fix 5.0 and 6.0 are output   12:03:59

25   products; they're products. Now, they are called   12:04:05

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1   that because it's -- the FFF stands for -- or I'm   12:04:07

2   sorry. FFF 5.0 and 6.0 stands for full file fix.   12:04:12

3   What the -- the products, full file fix 5.0 and   12:04:12

4   6.0, are a display to a customer of a consumer's   12:04:21

5   credit report. The frozen scan is a copy of our   12:04:26

6   internal database from which that report is   12:04:30

7   pulled.   12:04:33

8   So the full file fixed output is a subset of   12:04:34

9   the data on our database. The frozen scan data   12:04:38

10   that is pulled and stored on tape is a copy of   12:04:46

11   everything in the database at that moment in time. 12:04:49

12   So they're -- you're comparing apples to   12:04:52

13   oranges.   12:04:53

14   Q   (By Mr. Bennett) I should have asked the   12:04:54

15   simpler question than that you've just answered, which   12:04:58

16   is that the -- the frozen scan is everything about a   12:05:01

17   file in a full file fixed or any other version of   12:05:06

18   consumer report would be no greater in its volume of   12:05:12

19   data than would exist in the frozen scan?   12:05:19

20   MR. LOVE: I object to the form.   12:05:22

21   Q   (By Mr. Bennett) A full file fixed would   12:05:23

22 be -- typically be a subset of the data that would be   12:05:24

23 in a frozen scan?   12:05:37

24   A   You can pull from a frozen scan and format in 12:05:39

25 the full file fixed format a full file fixed product if 12:05:42

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1 you want to. I mean, we could do that.   12:05:50

2   The frozen scan contains suppressed files   12:05:53

3 that obviously never go in a credit report. It   12:05:55

4 contains other information we use to -- to process --   12:06:01

5 to instruct the search match update process, file   12:06:05

6 blocking, do not combine instructions, things like   12:06:08

7 that, that are not a part of our product delivery.   12:06:13

8   So there is information stored in the frozen   12:06:17

9 scan that is a snapshot of our database at that moment   12:06:19

10 in time. And again, I -- it's confusing because you   12:06:23

11 were comparing a product to a snapshot of a database   12:06:26

12 and there is a very distinct difference.   12:06:30

13   Q   I understand. But they both contain data --   12:06:38

14 and it's the data I'm focusing on, not the formatting.   12:06:40

15 My point would be -- and you've answered my question.   12:06:43

16 I don't need to -- to go further.   12:06:52

17   But with -- if we could step back into the   12:06:53

18 process for the frozen scan. It is -- a frozen scan is 12:07:01

19 archived or the ACRO is saved as a -- an archive that   12:07:05

20 we are calling a frozen scan output once a month; is   12:07:12

21 that correct?   12:07:18

22   A   Yes.   12:07:18

23   Q   Is every file archived on the same day at the 12:07:20

24 same time?   12:07:23

25   A   Yes.   12:07:24

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1   Q   So you wouldn't have for Virginia consumers   12:07:26

2 an archive date of February 20 and for Maryland   12:07:28

3 consumers an archive date of February 21?   12:07:32

4   A   We would not have that. We -- everything --   12:07:35

5 it is -- it is a snapshot of the entire ACRO database   12:07:39

6 at that moment in time that it's taken.   12:07:41

7   Q   And how long does it take to create -- to   12:07:45

8   generate it and save?   12:07:47

9   A   Oh, I don't know. It's -- it used to take   12:07:48

10   some time, but we've got -- our disk -- we invested in   12:07:51

11   faster hardware and systems have improved over the   12:07:53

12   years, so I -- I do not know how long it takes us to   12:08:04

13   snapshot it.   12:08:04

14   Probably not very long because in terms of   12:08:04

15   physical storage, we store it in a compressed format.   12:08:08

16   So it's not a -- I don't even think it's a Terabyte   12:08:12

17   large, so you could take a snapshot of that pretty   12:08:14

18   quick.   12:08:19

19   Q   Is it minutes or seconds?   12:08:19

20   A   I'd have to go -- I'd have to go look at --   12:08:21

21   CPU time is one thing versus wall clock time is   12:08:22

22   another. CPU time is the actual computing time spent   12:08:28

23   processing a particular function. But wall clock time   12:08:29

24   is the time it takes for that function to actually   12:08:31

25   process.   12:08:35

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1   So you might see something, particularly if   12:08:37

2 it has a low priority in the system, something may take 12:08:38

3 two seconds of CPU time, but it could take a day   12:08:41

4 because the -- it has such a low priority. Or   12:08:45

5 something could have such a high priority, like ACRO,   12:08:51

6 where we have CPU time of 160 milliseconds to process a 12:08:54

7 transaction.   12:08:58

8   And that's -- actually, the wall clock time   12:08:59

9 is like half a second.   12:08:59

10   So you're -- it depends on the priority on   12:09:00

11 the system. So it also depends on what time you're   12:09:04

12 actually asking. If you're asking computing time, not 12:09:07

13 CPU time, if you're asking wall clock time, that could 12:09:09

14 be a little longer because we -- some of the batch   12:09:09

15 processes don't have a high priority. We give other   12:09:09

16 things a high priority on the system.   12:09:18

17   MR. LOVE: Is this a good stopping point for   12:09:21

18   our lunch break? It's noon. I'm not sure what   12:09:22

19   you -- how you want to schedule that. If we could 12:09:25

20   go off the record a minute.   12:09:27

21   MR. BENNETT: I mean, it's what the witness   12:09:30

22   wants, but my -- I'm not going to be that much   12:09:31

23   longer.   12:09:33

24   MR. LOVE: Okay.   12:09:35

25   MR. BENNETT: I mean, I -- well, maybe half   12:09:39

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1   an hour --   12:09:40

2   MR. LOVE: Okay.   12:09:42

3   MR. BENNETT: -- if you can tolerate it.   12:09:43

4   THE WITNESS: What time is it? Because I'm   12:09:45

5   getting pretty hungry and --   12:09:47

6   MR. GOHEEN: It's 12:09.   12:09:49

7   MR. BENNETT: I mean, I'm okay. I'm here   12:09:52

8   till -- till tomorrow.   12:09:52

9   Can we go -- we'll have lunch and come back.   12:09:54

10   That's fine.   12:09:55

11   MR. LOVE: We can do that.   12:09:55

12   THE WITNESS: Let's do lunch.   12:09:56

13   MR. BENNETT: Since I haven't -- my computer   12:09:57

14   minor was before they had --   12:09:57

15   THE VIDEOGRAPHER: Off the record at 12:09   12:09:58

16   p.m.   12:10:01

17   (Recess.)   12:10:05

18   THE VIDEOGRAPHER: This is the beginning of   13:43:34

19   Tape Number 3. The time is 1:43 p.m. and we're   13:43:47

20   back on the record.   13:43:47

21   Q   (By Mr. Bennett) We were, to your great   13:43:48

22 excitement I'm sure, discussing frozen scans. The -- I 13:43:48

23 wanted to -- to make sure I understand the full, at   13:43:54

24 least from my lay perspective, the mechanics of the way 13:43:58

25 that the archive is -- is accomplished first. And so,   13:44:05

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1 I was asking you before lunch about the entire file is   13:44:12

2 saved in one programming, I'll say, effort, in one   13:44:18

3 step, and it takes a relatively short period of time.   13:44:22

4   How is it -- in what format is it actually or 13:44:30

5 electronic, to say, language or format is it saved, the 13:44:34

6 data?   13:44:39

7   A   Well, it's a copy of what's on disk, and   13:44:40

8   the -- what is on our disk is a compressed format.   13:44:44

9   It's an internal compression. It's not a standard   13:44:48

10 compression algorithm that's used. But there is very   13:44:51

11 little what's called white space.   13:44:59

12   So it's a -- would be very difficult to read   13:45:02

13 with a human eye. It's in a machine -- parts of it are 13:45:06

14 in machine code.   13:45:12

15   Q   And by machine code you mean -- well, the two 13:45:15

16 different types of machine code that I would imagine,   13:45:21

17 one of them would be digital machine code like   13:45:25

18 programming computer science, IT generally description, 13:45:27

19 and then the other would be the machine readable credit 13:45:38

20 report format.   13:45:43

21   For example, the system to system delivery of 13:45:44

22 credit reports by Equifax will furnish a consumer   13:45:49

23 report in a machine readable format, but that's -- is   13:45:53

24 that what you're talking about, or you're talking about 13:45:55

25 an actual computer machine doing it?   13:46:00

1   MR. LOVE: I object to the form.   13:46:05

2   THE WITNESS: The -- the way it is stored is   13:46:07

3   it has -- it's a file format, so that's different   13:46:09

4   from a computer program. Okay? I'm talking about 13:46:14

5   a -- it is a -- what's termed a flat file. It's   13:46:19

6   not a database type file.   13:46:24

7   It is a -- actually think about it like a --   13:46:26

8   a series of files on disk. And at the front of -- 13:46:38

9   of each record is a key, an internally-assigned   13:46:42

10   key. So if I were to print that out for you, you   13:46:44

11   would have difficulty reading that key. It   13:46:47

12   wouldn't make -- it would look like gobbledygook   13:46:53

13   to you, but if I print out in hexadecimal code it   13:46:57

14   can be deciphered.   13:46:59

15   So it's -- it's stored in what we call a   13:47:02

16   packed format. All of the numeric fields are   13:47:06

17   packed fields. And so it's difficult because you   13:47:11

18   have to translate things from the way you see them 13:47:15

19   on paper into the bits and bites that the machine   13:47:19

20   uses to store that data.   13:47:25

21   And so, for example, the letter A is not   13:47:27

22   stored as a letter A in the computer. It's   13:47:31

23   stored, for example -- let me take a space. I   13:47:34

24   think on EPCDIC a space is a hex 40. That is what 13:47:37

25   a space is.   13:47:41

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1   And so when you go in -- and a hex 40   13:47:42

2   translates into a certain bit pattern. That's the 13:47:43

3   machine code. And so a hex 40 is actually what   13:47:47

4   you later see on a piece of paper as a space.   13:47:49

5   Now, we take all the hex 40s out of our --   13:47:53

6   our storage. That's called white space. Anything 13:48:00

7   that is -- really if you -- it's the stuff when   13:48:01

8   you're reading something that makes it make sense. 13:48:03

9   But if you want to store it, that hex 40 takes   13:48:05

10   storage space.   13:48:09

11   So each space on this frozen scan is storage   13:48:10

12   space. So we take them out because it's   13:48:12

13   meaningless to what we're storing.   13:48:15

14   Q   (By Mr. Bennett) How does it -- then how do   13:48:18

15 you -- if it's delimited, what mechanism does your   13:48:21

16 computer use to determine when you are transitioning   13:48:25

17 from one specific consumer file to another?   13:48:29

18   A   We have delimiters inside each record, and   13:48:32

19 they're variable length record and we know the   13:48:34

20 beginning of the record based on a code and we begin   13:48:34

21 the key. We know the end of the key.   13:48:39

22   Then we have a delimiter that says this is   13:48:41

23 the beginning of an -- the identity section, it's an   13:48:44

24 identifier. And then we have the identifying   13:48:45

25 information that's stored.   13:48:50

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1   That's typically delimited by a comma for the 13:48:51

2 elements, and then that ends with a -- I forget the   13:48:53

3 delimiter at the end of that. Then we have segments.   13:48:56

4 And they're all delimited by hex codes, typically non   13:49:01

5 printable codes.   13:49:06

6   For example, we call it -- the BF 38 segment 13:49:07

7 has a -- has a -- begins each trade -- trade line.   13:49:11

8   Q   And --   13:49:15

9   A   So this is -- this is just preserved space.   13:49:15

10 It's saved space. If you were to expand this out and   13:49:19

11 store it in a database, it -- even after you've   13:49:21

12 compressed it, a database has a lot of overhead. So we 13:49:25

13 do this because it -- it saves space and it also is --   13:49:28

14 we've tuned our system.   13:49:35

15   It's all stored in -- in hex code basically,   13:49:35

16 and then the system that reads it is all written in   13:49:38

17 assembler. So we've tuned it so that it's very, very   13:49:39

18 fast. You're talking about scanning, you know,   13:49:45

19 hundreds of millions of records in microseconds to   13:49:50

20 return a file.   13:49:53

21   Q   Okay. And so --   13:49:56

22   A   So --   13:49:57

23   Q   -- what you're describing is the way that   13:49:57

24 ACRO actually stores it as well; right?   13:49:58

25   A   Yes, it's -- and it's copied to tape in the   13:50:00

1 same format that it's stored on ACRO. And we call the   13:50:03

2 file storage -- each consumer record on ACRO is called   13:50:07

3 an MDB, master database record. We call it an MDB.   13:50:10

4   Q   And each consumer would then have a separate   13:50:15

5 MDB?   13:50:19

6   A   MDB, a frozen scan. The printout of it where 13:50:19

7 we go read that machine, that machine -- that's the   13:50:23

8 best way I can think of. It's really a hex code. It's 13:50:27

9 stored in hex. That's the way the file is stored,   13:50:31

10 which is really not saying a lot because all   13:50:35

11 information on a computer is -- is hex. But I'm trying 13:50:37

12 to --   13:50:43

13   Q   Right. Well, it hasn't been translated --   13:50:44

14   A   I'm doing my best here, so -- so we have   13:50:47

15 programmers that go and read this hex code and -- and   13:50:50

16 break it out basically, expand it out into the fields   13:50:52

17 that are in a printable format and then print it out.   13:50:55

18   Q   So when someone accesses or wants to go back   13:51:01

19 and access a frozen scan, what assembles the data, what 13:51:05

20 program? Is it -- I mean, do you actually input it   13:51:11

21 back into an ACRO reader, or -- I mean, how does -- how 13:51:15

22   do you turn this -- when this is produced to us by my   13:51:22

23   friend, Mr. Love, how -- something has taken the   13:51:22

24   hexadecimal code and put it back into something that we 13:51:28

25   can read.   13:51:31

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1   What is -- what does that?   13:51:32

2   A   Okay. There is a difference between the   13:51:33

3   online system and the way we store this on tape. The   13:51:36

4   online system has what you were talking about earlier,   13:51:40

5   the search match algorithm. And that's a very   13:51:44

6   sophisticated search and match that spans the entire   13:51:47

7   database looking for consumer -- a single consumer   13:51:49

8   record based on identifying information provided to the 13:51:53

9   system in what's called an inquiry. So you get a name, 13:51:56

10   address, Social Security Number, date of birth,   13:51:58

11   whatever you're providing is used in that search and   13:52:02

12   match.   13:52:02

13   The frozen scans are stored static on tape,   13:52:06

14   and so the -- the search across tape is a little bit   13:52:07

15   different. Information is stored on tape by the key,   13:52:14

16   and the -- what composes the key is the first initial   13:52:17

17   of the first name -- the first name initial, last name, 13:52:27

18   state and zip code form the key.   13:52:38

19   And we have other indexes into the database,   13:52:40

20   but on the frozen scan system we have to search across   13:52:45

21   key ranges to find consumers. So we will -- based on   13:52:49

22   where the consumer has lived in the past, typically   13:52:53

23   what we do looking for a particular consumer is we pull 13:52:56

24   them up based on the states they've lived in and scan   13:53:01

25   the states looking for any Donna Soutter in that state. 13:53:12

98

1   So we take the states in which she's resided   13:53:12

2   and just scan those entire tapes for those states   13:53:14

3   looking for her, and it's a -- it's a very broad brush   13:53:18

4   sweep of the file and pulling anything that matches   13:53:19

5   Donna Soutter and then coil it down from there. Like   13:53:24

6   if a Social Security Number is provided, then eliminate 13:53:26

7   those that are -- that are not the person with the   13:53:31

8   matching Social, look at those that might have a   13:53:34

9   transposed Social, and make a determination that --   13:53:37

10   could that possibly be her, is that a valid   13:53:40

11   transposition. We don't see that very often, but it   13:53:42

12   could happen.   13:53:47

13   You know, so there -- there's manual work   13:53:48

14   involved. It's not as clean as the search and match on 13:53:49

15   ACRO.   13:53:54

16   Q   You should have brought her on Williams and   13:53:55

17   Robinson. You could have -- in the discovery dispute.   13:54:01

18   You could have saved Equifax's hide.   13:54:04

19   These were frozen scan -- these were cases in 13:54:08

20   which the respective plaintiffs successfully argued   13:54:10

21   that Equifax had an easy way to get the frozen scans   13:54:14

22   out and had by inference deliberately withheld some   13:54:19

23   mixed file scans.   13:54:20

24   MR. LOVE: I object to the form to the extent 13:54:27

25   that's a question and extraneous information on   13:54:31

99

1   the record.   13:54:33

2   Q   (By Mr. Bennett) The -- All right. So you -- 13:54:34

3   I want to stay, at least as much as my brain is   13:54:41

4   capable, in order. If we are -- the data is then saved 13:54:45

5   in -- a copy of ACRO is -- of the full database is   13:54:51

6   saved, and where -- it's saved on tape, or is that just 13:54:56

7   a term of art now?   13:55:01

8   A   Oh, that's a really good question. It's soon 13:55:02

9   to be a terms of art, as you say.   13:55:08

10   Q   Okay.   13:55:11

11   A   I'm pretty sure it's still physical tape.   13:55:11

12   I'm pretty sure. We are moving -- there are parts of   13:55:13

13   the system that are virtual tape and then some is tape   13:55:20

14   library that's robotic, but I'm -- I'm pretty sure   13:55:23

15   we're still talking physical tapes.   13:55:29

16   Q   And each tape would be an interval of time?   13:55:33

17   A   I don't -- I don't know how they partition   13:55:36

18   off the tapes. It's done on a -- you know, the tape   13:55:38

19   loads are automatic, so whether or not an entire system 13:55:41

20   pack resides on a tape, I don't think that that's true. 13:55:47

21   But think of it as a group of tapes will   13:55:52

22   represent a system pack and we store by state on the   13:55:56

23 system packs. The -- physically the database is laid   13:56:02

24 out by state, current address state.   13:56:05

25   Now, we have indexes, if you have -- bring up 13:56:11

                              100

1 a former address that get us back to the proper state   13:56:13

2 where the file resides. So we have indexes that cross   13:56:20

3 reference, you know, addresses that have -- where you   13:56:23

4 might have lived somewhere else before.   13:56:28

5   So we -- we take into account, you know,   13:56:33

6 previous address information.   13:56:35

7   Q   And does Equifax maintain this, what I'll   13:56:38

8 call, tape library in house, or is there -- is it like   13:56:42

9 IBM with the DR?   13:56:45

10   MR. LOVE: I object to the form.   13:56:48

11   THE WITNESS: I'm pretty sure our tape   13:56:48

12   library is still over in the -- the other   13:56:45

13   building. We have two buildings, and I'm pretty   13:56:45

14   sure it's in the second building, or actually we   13:57:01

15   call it Building 1 still.   13:57:01

16   Q   (By Mr. Bennett) The -- so then the data   13:57:08

17   is -- is -- well, is -- is the data saved   13:57:08

18   automatically? Is there already a program in place   13:57:18

19   that at fixed intervals of time will automatically   13:57:22

20   create the frozen scan archive, or is it a person that   13:57:26

21   has a set of tasks and, okay, today I've got to   13:57:29

22   remember I need to archive?   13:57:34

23   A   I think it's automated, yeah.   13:57:38

24   Q   And is there a defined date in each month?   13:57:40

25   A   You know, I haven't looked at the -- it's all 13:57:43

101

1   been -- there's a scheduling system or a -- a   13:57:45

2   scheduling program on the IBM mainframe called CA-7,   13:57:53

3   Computer Associates. It's a tool Computer Associates   13:57:56

4   licenses to us.   13:58:06

5   And CA-7 is a mechanism you use to schedule   13:58:08

6   programs to run, jobs to run. And we use CA-7   13:58:12

7   extensively in our update process, and all these   13:58:15

8   processes that we run in our system. And it's   13:58:18

9   scheduled in there, but I haven't looked at the   13:58:24

10   schedule in years. It's a -- it's pretty close to a   13:58:26

11   fixed time.   13:58:30

12   It's -- what I usually say is it is really   13:58:32

13   close to the end of the month. It's the end of the   13:58:35

14   third week, the beginning of the fourth week, somewhere 13:58:37

15   in that time frame is what it used to be, and I think   13:58:42

16   it's still around the end of the month.   13:58:53

17   Q   Now, the data is then archived. And how   13:58:56

18   would you go back and access it? I mean, I know you've 13:58:59

19   talked about that to some extent. But, I mean, you   13:59:03

20   would sit down at a -- a computer terminal somewhere;   13:59:04

21   right?   13:59:06

22   A   Yes.   13:59:08

23   Q   And how -- what steps would you take to do   13:59:09

24   it?   13:59:10

25   A   Well, you write a JCL code, job control   13:59:10

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1   language. That's standard IBM speak. And what you do 13:59:22

2 in JCL is it's a set of instructions to the computer.   13:59:22

3 And in this JCL, one of the things you will say is I   13:59:22

4 want you -- I'm going to open this tape archive -- and   13:59:33

5 I'm really simplifying this -- basically you're   13:59:35

6 instructing the computer to go to the tape library and   13:59:37

7 open up the -- this set of tapes.   13:59:41

8   And then you run a program that reads the   13:59:46

9 tapes looking for the information or -- scanning the   13:59:50

10 tapes looking for the data that matches the information 13:59:57

11 that you're -- you're seeking.   14:00:05

12   Q   Now, in this case the parties -- the   14:00:08

13 attorneys have talked about the production of a set of   14:00:12

14 consumers regardless -- and we'll talk a little bit   14:00:15

15 more about the -- the subsets of whether they have   14:00:19

16 satisfied judgments or unsatisfied judgments or the   14:00:21

17 like.   14:00:30

18   But -- but you would need to access --   14:00:30

19 Equifax would need to access a set of consumer files   14:00:35

20 that had a judgment in the -- a Virginia court,   14:00:44

21 putting -- there's other additional caveats or   14:00:47

22 limitations.   14:00:52

23   But starting with just that, if we were to -- 14:00:54

24 to search the Equifax frozen scan archive system for -- 14:00:57

25   And by the way, is there a name that I should 14:01:00

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1 be using besides frozen scan archive system?   14:01:03

2   A   That's -- that works.   14:01:07

3   Q   Okay. So to do a search of the frozen scan   14:01:10

4 archive system for just Virginia consumers that within   14:01:14

5 the last two years had a hard inquiry and -- well,   14:01:21

6 let's start with that. How would you do that search?   14:01:24

7   MR. LOVE: I object to the form.   14:01:27

8   Q   (By Mr. Bennett) Consumers with a current   14:01:28

9 residence in Virginia, their address in Virginia, who   14:01:30

10 had a hard inquiry in their file and a reported issue   14:01:35

11 within the last two years?   14:01:38

12   A   With or without a judgment on their file?   14:01:41

13   Q   Well, let's start with just that.   14:01:43

14   A   Just --   14:01:45

15   Q   And tell me how it would -- what you would do 14:01:45

16 to add the step of a judgment at any time in two years. 14:01:48

17   A   I would go -- I would have to go back to all   14:01:52

18 of the frozen scans, so it's 70 to 80 tapes per scan,   14:01:57

19 to peripheral set, was the last time I counted it, like 14:02:02

20 80 tapes. So you're talking about over two years 24   14:02:07

21 sets, so 1600 tapes. Am I --   14:02:10

22   Q   But it would just be Virginia; right?   14:02:12

23   A   Well, yeah, I've got the -- I've got the set   14:02:16

24 of frozen scans.   14:02:18

25   Q   Okay.   14:02:20

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1   A   I then would seek -- write a program, I'd   14:02:20

2 write code that would seek across the frozen -- across   14:02:22

3 each set of tapes look for the -- the set of tapes that 14:02:27

4 is -- contains the Virginia data because it will -- it   14:02:32

5 stores it by current address.   14:02:37

6   And then what I would then look for is the -- 14:02:41

7 I would then open up each of the Virginia files and   14:02:43

8 look for a hard inquiry in that month. And if there   14:02:46

9   was a -- an inquiry in that month, then it would -- I   14:02:50

10   would do whatever you wanted me to do, the -- count it, 14:02:55

11   put if off to the side, whatever.   14:02:57

12   Q   And how difficult is -- up to at least this   14:03:00

13   point, how difficult is that programming task?   14:03:03

14   A   Well, it's all --   14:03:05

15   MR. LOVE: I object to the form.   14:03:05

16   THE WITNESS: It's all written in assembler.   14:03:07

17   It's not simple, it's -- but it's not a hard   14:03:09

18   program to write. It's -- but it will -- it will   14:03:13

19   take time and -- and system resources.   14:03:14

20   Q   (By Mr. Bennett) How --   14:03:17

21   A   I don't know what your question really is.   14:03:17

22   Q   Sure. How much time?   14:03:20

23   A   To code that?   14:03:23

24   Q   Yes.   14:03:24

25   A   I don't know. I -- I -- I would need to sit   14:03:25

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1   down and go through. We have estimation processes   14:03:28

2   where we look at the complexity of a program or system   14:03:31

3   resources it's going to take. We have -- we sit down   14:03:34

4   and go through an estimation process regularly when we   14:03:35

5   get a requirement from -- a business requirement.   14:03:40

6   So I'd have to look at the requirements you   14:03:46

7   have and then try to determine -- I don't think the --   14:03:49

8   that's not a very complex program to write, but it --   14:03:52

9   scanning those tapes is not cheap.   14:04:00

10   Q   Well, the computer -- I mean, it's not cheap   14:04:04

11   in terms of the use of computer time that would be   14:04:07

12   allocated otherwise to something else.   14:04:10

13   A   We get charged by IBM for use of system   14:04:14

14   resources. Each tape mount has a charge. Any disk   14:04:17

15   space that we take, CPU usage has a charge. So there   14:04:20

16   are charges for the system resources.   14:04:25

17   Q   So IBM warehouses these?   14:04:29

18   A   Yes. They are -- we have outsourced the   14:04:32

19   management of our hardware infrastructure to IBM, so   14:04:34

20   they charge us for system resources.   14:04:40

21   MR. LOVE: We're designating this line of   14:04:54

22   testimony as subject to the protective order.   14:04:42

23   Q   (By Mr. Bennett) And when you -- I mean, I'm   14:05:05

24   not suggesting you try to find a way to explain to me   14:05:07

25   the actual programming language you would use. But, I   14:05:14

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1   mean, what would you -- what would the program language 14:05:19

2   be instructing the system to look for in the hard   14:05:31

3   inquiry question? I mean, are hard inquiries   14:05:34

4   separately coded from other inquiries or from other   14:05:36

5   data elements within a --   14:05:43

6   A   Yes. And think of it -- I think I know what   14:05:43

7   you're asking, so let me try this. Okay?   14:05:45

8   Q   Well, this -- if you want to look, this is -- 14:05:48

9   A   Let's -- let's look at -- I was going to have 14:05:50

10   you look at it --   14:05:57

11   Q   Okay.   14:05:58

12   A   -- so I can explain this to you. On -- in   14:05:58

13   the system, in -- in that MDB format I was talking   14:06:01

14   about, the data is -- is laid out in that MDB even   14:06:05

15   though it's hex -- it's in a hex form, very similar to   14:06:10

16   what's printed out here. Okay? In fact, a lot of this 14:06:12

17 is sort of pulled almost sequentially off of that.   14:06:16

18   So there is identifying information at the   14:06:20

19 beginning of it, and then there is inquiry information   14:06:25

20 and then trade line information laid out.   14:06:28

21   And so, we have a section in the -- in the   14:06:32

22 MDB that is for hard inquiries, and then it's stored in 14:06:35

23 there. So you go to the hard inquiry section and then   14:06:38

24 you've got out all the information related to hard   14:06:41

25 inquiries in -- in -- stored in the MDB.   14:06:46

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1   Now, so what the programmer does is it --   14:06:49

2 when they find a Virginia file, get to the -- a   14:06:53

3 Virginia file, read that file into memory and start   14:06:55

4 scanning through it looking for that hard inquiry   14:07:00

5 section. When it gets there, then it would start   14:07:03

6 looking for any dates.   14:07:07

7   And inquiries are stored month, day and year. 14:07:08

8 So it looks for any date within that -- that's   14:07:11

9 contained within that month for the frozen scan, and if 14:07:14

10 it sees any, then it meets your requirements.   14:07:17

11   Q   Now, let's -- then let's continue the   14:07:23

12 adding --   14:07:25

13   A   Okay.   14:07:27

14   Q   So let's continue adding restrictors to our   14:07:27

15 search. So the -- the first search would be consumers   14:07:27

16 with a Virginia -- a current Virginia address, and that 14:07:33

17 simplifies things a little bit; right?   14:07:38

18   MR. LOVE: I object to the form.   14:07:40

19   THE WITNESS: Well, I don't -- yeah, I think   14:07:41

20   that helps.   14:07:43

21   Q   (By Mr. Bennett) Well, I mean, the reason I   14:07:45

22 say this is that if we were to, in this case, propose a 14:07:47

23 class definition limited to Virginia addresses as   14:07:53

24 opposed to the broader "any consumers" but limit to   14:07:58

25 just Virginia judgments, it would be of course a larger 14:08:03

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1 set. But it would also involve from a data resource   14:08:10

2 standpoint the search of sections of tape separate and   14:08:17

3   apart from the otherwise more narrow Virginia set of   14:08:21

4   tapes; right?   14:08:24

5   MR. LOVE: I object to the form.   14:08:27

6   THE WITNESS: That's correct.   14:08:28

7   Q   (By Mr. Bennett) I mean, if I were -- and I   14:08:29

8   say this because if I'm trying to come up with a   14:08:32

9   reasonable pitch, which I actually will be trying to   14:08:39

10 do, that does not trade off Equifax resources   14:08:42

11 irrationally -- I mean, for example, if -- if we could 14:08:48

12 force Equifax to spend an extra million dollars to find 14:08:51

13 an extra five people, it wouldn't make sense.   14:08:51

14   But that -- my point is is that that would be 14:08:57

15 a big break point for data consumption or data resource 14:09:00

16 consumption; right?   14:09:03

17   MR. LOVE: I object to the form.   14:09:04

18   Q   (By Mr. Bennett) It would be Virginia only or 14:09:09

19 not. Or is that just was a small -- an incremental   14:09:11

20 increase in resource consumption?   14:09:15

21   A   Well, it is definitely a smaller consumption 14:09:18

22 of resources to only look at the Virginia current   14:09:21

23 address data. If you -- if you go and search for   14:09:25

24 Virginia court data, you have to search the -- every -- 14:09:30

25 all of the 80 or so tapes every time.   14:09:32

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1   So that's a much -- I have to go to through   14:09:36

2 every single record and every single set of frozen   14:09:40

3 scans for -- is it two -- for 24 months.   14:09:44

4   So, yes, it's a -- it's a far less expensive   14:09:45

5 path to focus on current address as Virginia. I would   14:09:49

6 -- I would need you to clarify at what point in time,   14:09:56

7 though, you want the current address.   14:10:01

8   Q   Well, all right. So does it -- how has your   14:10:09

9 search changed -- you have -- you have tapes going back 14:10:11

10 for two years, so 24 tapes. We'll call the tape two   14:10:16

11 years earlier would have been Tape 1 and then the most   14:10:18

12 recent Tape 24 --   14:10:22

13   A   Okay.   14:10:30

14   Q   -- in whatever sequence. If we were to say   14:10:30

15 today's current address or the -- a Virginia current   14:10:37

16 address in Tape 24 that -- how would that impact your   14:10:41

17   ability to search the other 23 sets? So that is -- I   14:10:47

18   mean, I don't know if you can understand what I'm   14:10:49

19   trying to say.   14:10:51

20   A   I understand what you're saying. What that   14:10:52

21   would mean is that I would take the current address off 14:11:01

22   of Set 24. I would have to go back -- some of those   14:11:03

23   consumers may not have lived in Virginia the previous   14:11:04

24   24 months. So that might send me to look in other   14:11:15

25   sections of the frozen scans for those consumers.   14:11:16

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1   So, in other words, I've got some consumers   14:11:23

2   in Month 24 living in Virginia but they may have lived   14:11:26

3   in Georgia for the first 12 months of the 24 months.   14:11:28

4   So I've got to -- I may -- I will find them in the --   14:11:33

5   in Tapes 12 through 20 -- 13 through 24 in Virginia,   14:11:34

6   but I'm going to have to search the other tapes to find 14:11:43

7   that consumer in Months 1 through 12.   14:11:45

8   Q   And what logical way would there be to avoid   14:11:49

9   that step?   14:11:53

10   MR. LOVE: I object to the form.   14:11:53

11   THE WITNESS: Well, there are other former   14:11:55

12   addresses on each -- it's not going to be -- well, 14:11:55

13   I don't know. About -- a lot of people move every 14:12:02

14   year, so we might have a pretty significant number 14:12:08

15   that lived in previous places prior to then.   14:12:15

16   I probably would take the approach of looking 14:12:22

17   at the former addresses and looking at the tapes   14:12:25

18   associated with the former addresses to find where 14:12:29

19   they were in the previous 12 months.   14:12:30

20   Q   (By Mr. Bennett) Getting back to that first   14:12:33

21 question about whether it makes sense to limit it to   14:12:37

22 Virginia only consumers. If you have to then still   14:12:41

23 search former addresses, I mean, that --   14:12:46

24   A   I can still limit it some by taking what   14:12:48

25 the -- what the former addresses were. In other words, 14:12:50

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1 I'm not looking across every tape after that. I'm -- I 14:12:53

2 still have -- I have some direction because I have the   14:12:57

3   former addresses on -- on the file, so I have a   14:12:59

4   direction.   14:13:04

5   And some of those -- well, they all have a   14:13:07

6   date when they were last reported, and a lot of times   14:13:10

7   you can use those dates as a good starting point for   14:13:14

8   the search. So it's not the same as a full sweep of a   14:13:17

9   file. It's still more than just looking in the   14:13:22

10 Virginia tapes, but it's -- it's still contained versus 14:13:25

11 a full sweep of the file.   14:13:28

12   Q   Okay. So then if we have a hard inquiry we   14:13:30

13 need to add the question as to whether there's a   14:13:36

14 judgment that is at some point in that two-year period   14:13:43

15 un -- not satisfied, vacated or appealed. What would   14:13:50

16 the differences be in terms of the demands on the   14:13:55

17 Equifax system and its abilities in these two   14:14:04

18 alternative directions?   14:14:10

19   The first search for Virginia consumers with   14:14:13

20 a hard inquiry and then using that as the general set   14:14:16

21 do a search for a subset that have a judgment -- and   14:14:27

22 we'll talk a minute about the issue Mr. Love and I were 14:14:30

23 speaking of, the timing of when something is satisfied   14:14:34

24 or not.   14:14:36

25   But let's -- let's start with just judgments 14:14:36

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1 where there's no satisfaction showing, so we don't have 14:14:40

2 the complication of when it would be satisfied. I   14:14:49

3 would imagine one -- one direction in such a search   14:14:54

4 process could be to narrow it to a set of files where   14:14:58

5 there is a -- a hard inquiry for a Virginia consumer   14:14:58

6 and then check to see if there is a judgment in the   14:15:09

7 records during the time of the hard inquiry, or the   14:15:13

8 flip of that would be to do the search of Virginia   14:15:16

9 consumers who had a judgment and then the subset of   14:15:20

10 that would be whether there was a hard inquiry.   14:15:25

11   Are you following?   14:15:28

12   MR. LOVE: I object to the form.   14:15:30

13   THE WITNESS: I follow you. I'm not sure of 14:15:32

14   your question.   14:15:30

15   Q (By Mr. Bennett) Well, what would be the   14:15:35

16 strengths or weaknesses of those two alternative   14:15:36

17 approaches --   14:15:38

18   MR. LOVE: I object to the form.   14:15:40

19   Q   (By Mr. Bennett) -- within the confines or   14:15:46

20 the restrictions of the Equifax data abilities?   14:15:47

21   A   The -- I believe that the expense for us is   14:15:51

22 in searching for files. It's not -- once I've got a   14:15:53

23 file and it's in memory, you can give me sets of rules   14:15:59

24 that are pretty easy for me to apply to that -- that   14:16:02

25 contained set of data.   14:16:06

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1   So my -- my time spent and my -- I guess the   14:16:09

2 best way to say it is in the expensive part of the   14:16:13

3 program we're writing right now is the search looking   14:16:16

4 for the files. When I've found the files and I have   14:16:19

5 them, then I -- I take them and individually load them   14:16:24

6 into memory. And at that point I've -- I've -- I've   14:16:29

7 got -- I have access to all the information.   14:16:30

8   So whether I look first for the hard inquiry   14:16:34

9 and then the judgment or the judgment and the hard   14:16:35

10 inquiry doesn't really -- one isn't better than the   14:16:37

11 other. I've got the file open, now I've got some   14:16:43

12 cross-checking and some reasoning that -- to take   14:16:43

13 place.   14:16:43

14   That's not very expensive. That's not a big   14:16:49

15 use of resources.   14:16:51

16   Q   Well, then the question is how to make   14:16:53

17 that -- how to best make that first cut so that the set 14:16:56

18 of data that you have after that extraction search is   14:17:11

19 as -- is -- or so that that extraction search that is   14:17:16

20 the big burden is as minimal as necessary.   14:17:20

21   A   The --   14:17:22

22   MR. LOVE: I object to the form.   14:17:24

23   THE WITNESS: Sorry. The -- the money is   14:17:26

24   spent searching for the file.   14:17:28

25   Q   (By Mr. Bennett) What -- what file -- when   14:17:29

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1 you say "searching for the file," what factors would   14:17:31

2 you use to extract it from the frozen scan archive?   14:17:34

3   A   I would use your -- we've first got to find   14:17:44

4   the consumers that are in Virginia. I've got to find   14:17:47

5   those that were in the state of -- that have a current   14:17:50

6   address in the state of Virginia on 24 tapes. That's   14:17:55

7   where my expense is.   14:18:02

8   Now, once I've got those consumers and I open 14:18:02

9   it up, I'm narrowing from that point.   14:18:03

10   Q   So it wouldn't make sense to -- I mean, it   14:18:09

11   doesn't help you to start as your opening set consumers 14:18:15

12   with the current address at some point in the 24 months 14:18:23

13   in Virginia who have a civil judgment --   14:18:28

14   MR. LOVE: I object to the form.   14:18:30

15   Q   (By Mr. Bennett) -- as opposed to saving for   14:18:33

16   the later data manipulation stage the handling or the   14:18:36

17   searching for the judgments.   14:18:38

18   A   No, it doesn't --   14:18:39

19   MR. LOVE: I object to the form.   14:18:40

20   THE WITNESS: It doesn't help me because you   14:18:40

21   have stated you want me to look each month inside   14:18:38

22   each file to determine if they have a hard inquiry 14:18:46

23   and a judgment. If you were saying in the 24th   14:18:49

24   month take all the Virginia current addresses and   14:18:55

25   all of them with an open judgment and that is the   14:18:57

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1   set that then we're going to scan the previous 24   14:19:03

2   months, that's one criteria.   14:19:05

3   But that's not what you're saying. Then I   14:19:07

4   could -- it would be beneficial to narrow that   14:19:10

5   down to the smallest possible and then scan the   14:19:12

6   previous 24 months.   14:19:14

7   But that's not what you've been saying.   14:19:16

8   You've been saying you want me to go to each set   14:19:16

9   of frozen scans, look inside -- look for the   14:19:21

10   consumers that were in Virginia in the 24 months   14:19:22

11   and then see if they have a hard inquiry and see   14:19:28

12   if they have a judgment.   14:19:28

13   So that's the part that -- where the expense   14:19:31

14   is is looking for all those Virginia consumers and 14:19:36

15   finding them on all those 24 tapes and then   14:19:39

16   opening their file and making -- drawing   14:19:43

17   conclusions from the data inside the file.   14:19:44

18   Q (By Mr. Bennett) But I'm trying to -- in   14:19:50

19 that -- that first step why couldn't you do a search   14:19:54

20 for Virginia consumers who have a hard inquiry at any   14:19:58

21 point in the 24 months and who have a judgment at any   14:20:04

22 time in the 24 months?   14:20:09

23   A Well, some judgments are removed.   14:20:10

24   Q Well, let's take -- let's take the hard   14:20:12

25 inquiry, I mean, the hard -- not that that will narrow   14:20:14

<div align="center">116</div>

1 it a great deal. Most consumers will have inquiries.   14:20:16

2 But your frozen scan will have hard inquiries for two   14:20:18

3 years.   14:20:26

4   A Right.   14:20:29

5   Q So -- so that would be an -- that would be a   14:20:30

6 sensible first cut; right?   14:20:33

7   MR. LOVE: I object to the form.   14:20:33

8   Q (By Mr. Bennett) Virginia consumers who have   14:20:36

9 a hard inquiry.   14:20:38

10   A Well, what we're doing here is designing a   14:20:40

11 program. What -- when I -- when I -- we always design   14:20:42

12 the program to go through the tapes in the -- in the   14:20:47

13 most efficient way possible. We always do that.   14:20:49

14   So what is most helpful is to understand   14:20:53

15 fully what you're -- what your definition is going to   14:20:56

16 be and then for us to design a program that's the most   14:21:01

17 efficient.   14:21:05

18   So I'm not sure -- Are you trying to find the 14:21:05

19 most efficient way to --   14:21:06

20   Q   I am.   14:21:08

21   A   -- drive your definition, or are you --   14:21:09

22   Q   Yes, I'm trying to find the most efficient   14:21:11

23 way to drive the definition that I would later   14:21:14

24 advocate. And so -- and I want to be able to represent 14:21:18

25 to our judge, I want to be able to -- in my   14:21:21

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 1 negotiations and discussions of these issues with   14:21:24

 2 defense counsel, that I -- that I respect the objective 14:21:36

 3 of reducing unnecessary expense and difficulty and   14:21:41

4   resource consumption. I mean, there's no -- you know,   14:21:43

5   I don't -- there's no need to waste resources, time,   14:21:48

6   energy if -- if you don't need to.   14:21:56

7   And so -- and I like the idea -- you know,   14:22:00

8   I -- I like your testimony that the -- you know, once   14:22:02

9   you have a set of data the manipulation of that data   14:22:04

10 isn't the challenging part. That provides me some   14:22:12

11 reassurance and my conscience reassurance; but I'd like 14:22:14

12 to figure out a way to reduce even further that first   14:22:19

13 step, which is the frozen scan archive search, what   14:22:25

14 I -- what I'll -- what I'm calling the first step, from 14:22:28

15 which you'll create a data file that will then be more   14:22:32

16 precisely manipulated for the questions in this case.   14:22:36

17   A   Can we take a break?   14:22:44

18   MR. LOVE: I object to the form.   14:22:47

19   THE WITNESS: Can we take a break for a   14:29:38

20   second?   14:29:38

21   MR. LOVE: Yes.   14:22:39

22   THE WITNESS: Because I have a question   14:22:41

23   that's real -- I don't know. Is that -- can I do   14:22:43

24   that?   14:22:46

25   MR. LOVE: Can we go off the record?   14:22:47

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1   MR. BENNETT: Sure.   14:22:49

2   THE WITNESS: Okay.   14:22:50

3   THE VIDEOGRAPHER: Off the record at 2:22   14:22:56

4   p.m.   14:22:56

5   (Recess.)   14:22:59

6   THE VIDEOGRAPHER: The time is 2:29 p.m. and   14:29:44

7   we're back on the record.   14:29:46

8   Q   (By Mr. Bennett) All right. I've had my   14:29:48

9 Computer Science 101 refresher a little bit, or   14:29:48

10 maybe -- whatever it may be. My database work.   14:29:52

11   We were talking about your access of the   14:29:59

12 frozen scan archive system and the abilities you would   14:30:01

13 have and steps you would have to follow in our efforts   14:30:07

14 to generate a class list or ascertain class membership. 14:30:14

15   So my first assumption would be that you were 14:30:21

16 able to search the ACRO or the frozen scan archive   14:30:23

17 system narrowing it to a set of files of just   14:30:31

18 individuals that had a Virginia address in the last 24   14:30:34

19 months. And you could do that.   14:30:37

20   A   Yes.   14:30:39

21   Q   Is that correct?   14:30:40

22   A   Yes.   14:30:45

23   Q   And you -- in fact, you could go back -- if   14:30:45

24 we were to say from February 2008 forward, it would be   14:30:47

25 more than 24 months. I mean, what? Approximately 30   14:30:55

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1 months. You could do that for that 30-month period?   14:30:57

2   A   Yes.   14:31:01

3   Q   Yes. And then you would have a data file of   14:31:02

4 some sort that contained just Virginia consumers, what   14:31:06

5 I'll describe as Virginia consumers.   14:31:10

6   A   Consumers that have a current address in the   14:31:14

7 24th or 30th month in Virginia, yes.   14:31:18

8   Q   But you would also then be able to -- in that 14:31:21

9 same process you could have searched for individuals   14:31:25

10   that had a current address in Virginia during any of   14:31:30

11   those months; right?   14:31:37

12   A   I could, yes.   14:31:38

13   Q   All right. But -- so we -- however we   14:31:40

14 ultimately agree or the court were to order, if it   14:31:43

15 does, that -- we'll call this a set of Virginia   14:31:46

16 consumers, this data fill has Virginia consumers.   14:31:50

17   A   Okay.   14:31:56

18   Q   Okay? How would that data file -- how could   14:31:56

19 you save it? In what format, what electronic format so 14:32:00

20 that it could be then examined, manipulated or   14:32:04

21 searched?   14:32:10

22   A   I would probably just save that to disk.   14:32:10

23   Q   In what format would it be?   14:32:13

24   A   In the MDB format.   14:32:18

25   Q   And then you would have to use your own --   14:32:20

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1 you would still have to use, I guess, what? An ACRO   14:32:23

2 assembler or something to read it or search it? How   14:32:26

3 would you manipulate that data set?   14:32:27

4   A   We would write an assembler programmer --   14:32:32

5   program to read the data and apply rules that we -- we   14:32:36

6   apply the rules that reflect the -- the class   14:32:41

7   definition so that we could pull the class together.   14:32:45

8   Q   And I want to start talking about some of the 14:32:52

9   rules. One search criteria would be if there is a hard 14:32:57

10 inquiry and you could search to eliminate those files   14:33:03

11 from that set that were without a hard inquiry in that   14:33:07

12 30-month period; correct?   14:33:11

13   MR. LOVE: I object to the form.   14:33:18

14   THE WITNESS: Yes. Yes, I could do that.   14:33:21

15   Q   (By Mr. Bennett) And you could also then   14:33:23

16 search, irrespective of the timing of the inquiry   14:33:24

17 versus the judgment, you could eliminate from that set   14:33:29

18 all files that did not have a judgment during, or a --   14:33:34

19 did not have an unsatisfied, unvacated, unappealed   14:33:37

20 judgment during that 30-month period?   14:33:48

21   A   Yes.   14:33:55

22   Q   How would you -- or I -- I understood the   14:33:56

23 limitations, and we'll talk about those limitations in   14:33:59

24 a -- in a bit. But I would like to start with the   14:34:06

25 abilities rather than the limitations to search that   14:34:11

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1   now narrowest of files that would -- that we've   14:34:14

2   described, Virginia consumers that during the last 30   14:34:16

3   months had both a hard inquiry and a judgment. How   14:34:24

4   would you from the data available within this   14:34:33

5   hypothetical file be able to determine whether or not   14:34:38

6   there was a hard inquiry at a time that the consumer   14:34:44

7   likely had an unsatisfied judgment in their file?   14:34:56

8   MR. LOVE: I object to the form.   14:35:00

9   THE WITNESS: Well, we have to make some   14:35:00

10   assumptions to do that. And one assumption that   14:35:03

11   would need to be made is that if I have an   14:35:11

12   unsatisfied judgment in one month's frozen scan,   14:35:14

13   so at the end of February I have an unsatisfied   14:35:17

14   judgment on a consumer file and at the end of   14:35:19

15   March I have an unsatisfied judgment on that   14:35:23

16   consumer's file, the assumption is that there   14:35:26

17   wasn't a deletion of that and then a reinsertion   14:35:29

18   of that record during that month; in other words, 14:35:31

19   that the -- the -- that judgment was perpetual   14:35:38

20   from one snapshot of the file to the next   14:35:43

21   snapshot.   14:35:45

22   So that would be one assumption. It's a --   14:35:46

23   it's a good assumption. We don't typically go out 14:35:48

24   and delete -- delete data and then turn right   14:35:51

25   around and reinsert it. It can happen, though.   14:35:54

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1   But let's make the assumption that that didn't --   14:35:58

2   didn't happen.   14:36:00

3   Then if you see a judgment on a frozen scan   14:36:01

4   and the next month see it on the frozen scan and   14:36:06

5   it is in the same state, the same data, the same   14:36:08

6   state, I would then make the assumption that I had 14:36:12

7   not seen any update to that, that it's -- there   14:36:14

8   were no changes during the month.   14:36:19

9   I don't have a problem with making that   14:36:21

10   assumption because generally that would be true.   14:36:23

11   Then if you had a hard inquiry on the file   14:36:28

12   during that time between those two snapshots, then   14:36:33

13   in all likelihood that judgment was a part of any   14:36:37

14   credit report information returned with that hard   14:36:41

15   inquiry.   14:36:44

16   Now, whether or not that judgment was   14:36:47

17   actually returned with an inquiry, I can't answer   14:36:49

18   that. What information actually is returned from   14:36:53

19   a credit file depends on the product that's   14:36:55

20   requested, it depends on the system requesting,   14:36:58

21   and it depends on any third-party processing   14:37:04

22   that's done as well.   14:37:08

23   So there -- the fact that an inquiry is   14:37:11

24   posted does not mean an entire file is returned,   14:37:16

25   and there -- it could be only a score that's   14:37:21

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1   returned, it could be part -- in other words, one   14:37:27

2   of the issues -- one of the problems we have when   14:37:31

3   we are requested -- we get a request that says   14:37:34

4   what information was -- you know, in other words,   14:37:36

5   I think the -- people make an assumption that   14:37:42

6   because there's an inquiry on the file the file   14:37:42

7   was returned.   14:37:46

8   That's a bad conclusion. In fact, a lot of   14:37:48

9   inquiries we get the end user, what finally is   14:37:51

10   returned to the final decision-maker is a -- is   14:37:56

11   either a subset or a -- of the file or a number.   14:37:58

12   So there are a variety of ways that --   14:38:02

13   customers have internal systems that take the   14:38:04

14   file, sometimes interpret it, attribute it, score   14:38:07

15   it. We may attribute it or score it, or that --   14:38:10

16   so they'll have systems that do things with the   14:38:11

17   file so the end user may never see the actual   14:38:15

18   file.   14:38:19

19   The -- sometimes the file is returned through 14:38:20

20   a third-party vendor, like a Magnum software or   14:38:22

21   something where, depending on the user, the end   14:38:25

22   customer, how that's been configured to return   14:38:27

23   data to the -- to the decision-maker.   14:38:32

24   It could be that the data came in through one 14:38:36

25   of our other systems like a Decision Power or   14:38:39

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1   Nexgen or ePORT which all have interfaces and   14:38:42

2   products that they deliver. So one issue is that   14:38:45

3   I can't tell you for sure that judgment was   14:38:52

4   returned with that inquiry.   14:38:55

5   MR. LOVE: And Equifax is also designating   14:38:57

6   this line of testimony subject to the protective   14:38:57

7   order.   14:39:01

8   Q   (By Mr. Bennett) Okay. I want to go through   14:39:02

9   and make sure I understand each of those reasons, and   14:39:06

10 also want to make sure that you're not able to think of 14:39:09

11 other reasons that we could not predict that a judgment 14:39:21

12 was -- was present in a consumer report at the time of   14:39:25

13 a hard inquiry.   14:39:28

14   So just -- first generally, as I understand,   14:39:31

15 the frozen scans that are available record an archive   14:39:37

16 of what a consumer's file looked like at the end of   14:39:39

17 each month approximately?   14:39:45

18   A   Yes.   14:39:50

19   Q   Yes. And so what you're saying is that if   14:39:50

20   there was a change during the month the archive   14:40:04

21   available to Equifax could not -- would not indicate   14:40:11

22   that change, so that if -- if the -- all that the   14:40:16

23   snapshots or the frozen scans tell us is that if the   14:40:21

24   judgment is the same in the beginning in the -- the   14:40:26

25   last month's snapshot and next month's snapshot, all   14:40:31

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1   that we know with full certainty is that at the point   14:40:33

2   of the frozen scans in each month that is what the   14:40:37

3   status was?   14:40:41

4   A   Exactly. Now, I was also saying that if they   14:40:43

5   are exact on those two end points, there's a high   14:40:47

6   probability it was -- it was perpetual through the   14:40:50

7   month.   14:40:54

8   Q   Okay.   14:40:55

9   A   Okay? So I don't want you -- I don't want to   14:40:55

10   lead you to conclude it drops off and comes back on.   14:40:58

11   That's not true. There are times when based   14:40:58

12   on different things that credit grantors or   14:41:04

13 contributors are trying to accomplish, you might see   14:41:06

14 records, you know, are removed and then reinserted sort 14:41:11

15 of as a -- part of a clean-up or something, so --   14:41:18

16   Q   Could the judgments --   14:41:20

17   A   But it's very rare.   14:41:21

18   Q   Judgments.   14:41:21

19   A   I'm not aware of LexisNexis doing a clean-up. 14:41:21

20   Q   Okay.   14:41:22

21   A   So I'm -- but I can't make a definitive   14:41:22

22 statement that it would never happen because there   14:41:26

23 are -- you know, I -- I just can't do that. I know the 14:41:28

24 ability is there for it to be removed and then   14:41:32

25 reinserted.   14:41:34

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1   But I would say that chances are if you see   14:41:34

2   it one month and it's the same thing next month, it was 14:41:37

3   perpetual through the month.   14:41:37

4   Q   And for LexisNexis supplied civil judgments,   14:41:45

5   it's not simply changes, but the -- while you can't be   14:41:47

6   a hundred percent certain, you're -- you will be very   14:41:53

7   confident that it's perpetual through the month.   14:41:57

8   MR. LOVE: I object to the form.   14:42:00

9   THE WITNESS: Shawn and Lexis would have to   14:42:01

10   answer whether they do any amend -- amendments to   14:42:01

11   the data that they send, like have us delete,   14:42:01

12   reinsert or do any clean-ups or any -- any actions 14:42:01

13   they may take as part of maintenance of the data   14:42:10

14   that they send to us, they have to answer those   14:42:12

15   questions.   14:42:12

16   I'm simply stating from a system perspective   14:42:17

17   that it can happen, but I'm also stating that the   14:42:19

18   probability is that it didn't.   14:42:22

19   Q   (By Mr. Bennett) Of course, you're a   14:42:25

20   mathematician, too?   14:42:26

21   A   I am a math --   14:42:29

22   Q   Very precise; right?   14:42:29

23   A   Yes, I have exacting --   14:42:30

24   Q   Now, the -- you also then raise this   14:42:33

25   additional issue, which is that even if a consumer   14:42:38

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1   report is furnished, or rather -- let me withdraw that. 14:42:43

2   You -- as I understand the latter difficulty that   14:42:49

3   you've raised is that the fact that there is the hard   14:42:55

4   inquiry within a consumer's archived file does not mean 14:43:00

5   that that entire file was part of a consumer report   14:43:09

6   respecting that inquiry? Is that correct?   14:43:13

7   MR. LOVE: I object to the form.   14:43:19

8   Q   (By Mr. Bennett) Is that correct? That is, a   14:43:20

9   judgment is one part of the file. There are certain   14:43:24

10 types of hard inquiries that would not include that   14:43:29

11 judgment when furnished to a third party. Is that what 14:43:34

12 you're saying?   14:43:39

13   A   No. Let me -- let me state that better. The   14:43:40

14 presence of an inquiry, a hard inquiry, means that the   14:43:48

15 file was accessed online. What product is delivered,   14:43:48

16 what's delivered back to the credit guarantor or the   14:43:52

17 requester, the -- whoever entered the inquiry, that   14:43:59

18 product may or may not contain that judgment.   14:44:07

19   Q   What products do not contain the judgments?   14:44:09

20   And mind you, I'm not asking what would a human being   14:44:16

21   at the end of the process, potential credit grantor or   14:44:19

22   the like, I'm not asking what they would be using,   14:44:21

23   whether they would read a copy of the judgment.   14:44:24

24   I'm asking when it leaves the doors at   14:44:30

25   Equifax's electronic system, what products leave the   14:44:37

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1   doors at Equifax's system that would trigger a hard   14:44:40

2   inquiry but would not contain any information or --   14:44:47

3   either machine information, code information or   14:44:51

4   readable information about an unsatisfied civil   14:44:56

5   judgment?   14:45:00

6   A   One -- one example is a Decision Power   14:45:00

7   product. Decision Power is used at the point of sale.   14:45:08

8   That's one application where the -- if you are a   14:45:16

9   consumer and -- I have to give you an example.   14:45:17

10   You're a consumer and you're in Macy's   14:45:22

11   department store and you are using your Macy's card and 14:45:22

12   you swipe it. And then what they did with that, not   14:45:30

13 only do they send that over to the credit card company   14:45:38

14 to verify the transaction, but it might also go into   14:45:43

15 their system which causes -- they note, oh, we like   14:45:49

16 this -- this guy, we want to send a request over to   14:45:52

17 Equifax because we may want to upsell him on some more   14:45:54

18 products.   14:45:58

19   So it comes in to Equifax's Decision Power,   14:45:58

20 it goes against the credit report, the credit report is 14:46:00

21 returned to Decision Power, which then based on rules a 14:46:05

22 customer has given us, there are a variety of things.   14:46:08

23   We may only look at your Macy's account, we   14:46:11

24 may look your entire file. It depends on what rules   14:46:13

25 they've given us. There will be a set of rules and   14:46:15

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1 through -- once your credit file's sort of put through   14:46:18

2 that set of rules out -- it spits back a decision only   14:46:22

3 to the point of sale, and that's when it comes up   14:46:25

4 usually there at the cash register and the person at   14:46:27

5 the register will turn to you and say, would you like   14:46:31

6   this special off of -- an additional, you know, 50   14:46:33

7   percent off all of your next purchases if you'll get   14:46:37

8   this new credit line or this other credit card that   14:46:39

9   we're offering you.   14:46:44

10   It was an upsell. So there are decisions   14:46:44

11   that they make that go against the credit file, make   14:46:47

12   the decisions and send the decision back to the point   14:46:50

13   of sale and no credit information has left our door,   14:46:53

14   only the decision.   14:46:54

15   Q   And that is a hard inquiry, not a promotional 14:46:56

16   inquiry?   14:47:01

17   A   That's a -- that's an inquiry on our file.   14:47:01

18   Q   But is it -- is it a promotional inquiry so   14:47:04

19   that, for example, if my client has -- has a Decision   14:47:07

20   Power communication --   14:47:10

21   A   I'm pretty sure that's a hard inquiry. The   14:47:11

22   Decision Power inquiries are hard inquiries. Excuse   14:47:29

23   me.   14:47:30

24   Q   All right.   14:47:31

25   A   Now, it might not -- I'll have to check the   14:47:33

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1   posting of it as it's -- if it's posted right then or   14:47:35

2   posted when you accept it, but that's an inquiry,   14:47:38

3   that's a hard inquiry.   14:47:40

4   Q   And who would know about that product, what   14:47:44

5   department?   14:47:46

6   A   I -- I'd just have to go and look at our --   14:47:47

7   our inquiry rules or call someone in Decision Power and 14:47:51

8   ask them. But, yes, that's the -- that would be an   14:47:53

9   example of a hard inquiry going through Decision Power. 14:47:57

10   Q   If it's a hard inquiry it would be completely 14:48:00

11 unlawful under the Fair Credit Reporting Act.   14:48:03

12   A   Well, if you accept it it's not, so --   14:48:06

13   Q   No. But -- but if they accept it, then they   14:48:08

14 would probably pull a full file for the new credit   14:48:09

15 card.   14:48:12

16   MR. LOVE: Well, now, I'm objecting to this.   14:48:12

17   I mean, if there's a question for the witness, you 14:48:12

18   know --   14:48:15

19   MR. BENNETT: Okay. But besides --   14:48:16

20   MR. LOVE: And we're designating all the --   14:48:16

21   this line of questioning as confidential.   14:48:15

22   THE WITNESS: And I will go back and double   14:48:22

23   check, but I'm pretty sure that, yeah, we are --   14:48:23

24   Q   (By Mr. Bennett) Now, in that instance -- I   14:48:27

25 mean, it's just like files that order a score.   14:48:29

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1   A   That's another example where we -- we have   14:48:33

2 decision making that takes place outside of Equifax   14:48:34

3 where we've provided a score.   14:48:40

4   Q   But -- and so the score might not include the 14:48:41

5 word "judgment," the letters J-U-D or whatever, but   14:48:45

6 it would incorporate -- I mean, the Beacon scores all   14:48:51

7 incorporate judgments, every one of them.   14:48:56

8   A   We have something like 600 algorithms for   14:49:01

9 scores. It depends on the algorithm whether they will   14:49:04

10 look at a judgment. It depends on what they're doing,   14:49:07

11 what the -- what the score's purpose is.   14:49:07

12   Q   Any hard inquiry score.   14:49:10

13   A   No.   14:49:12

14   Q   Are you aware of hard inquiry scores that do   14:49:13

15 not take into account judgments in the score model,   14:49:17

16 either Equifax proprietary or -- or --   14:49:22

17   A   I don't know the actual individual   14:49:26

18 information, but there are some scores we have come   14:49:27

19 back with that are -- I pretty sure don't include   14:49:29

20 judgments.   14:49:36

21   Q   Now, how would you identify within --   14:49:36

22   A   This is very proprietary.   14:49:39

23   MR. LOVE: I'm designating all of this   14:49:41

24 subject to the protective order, and this might be 14:49:48

25 a good point for a break. I know that we were   14:49:48

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1   talking about trying to wrap this up, and I --   14:49:49

2   MR. BENNETT: Well, this opens a new   14:49:55

3   ascertainability argument that I had not   14:49:56

4   contemplated. I'm okay with that, the break   14:49:59

5   certainly. The -- with respect to the -- I agree 14:50:02

6   it's proprietary. But I've also deposed many of   14:50:05

7   your scoring folks, the people that work to create   14:50:10

8   the end score, the --   14:50:13

9   THE WITNESS: Yes, the analytical services   14:50:17

10   group.   14:50:18

11   Q   (By Mr. Bennett) The analytical services   14:50:19

12 group.   14:50:19

13   A   We write -- we -- the team writes code for   14:50:19

14 models for customers as well as Equifax.   14:50:20

15   Q   Maybe I need to keep my mouth shut. So   14:50:25

16 it's -- there's a lot of proprietary knowledge and   14:50:25

17 information I have, but I haven't told Equifax or   14:50:29

18 TransUnion yet.   14:50:32

19   MR. BENNETT: So let's -- let's take a break. 14:50:32

20   THE VIDEOGRAPHER: We're off the record at   14:50:32

21   2:49 p.m.   14:50:32

22   (Recess.)   14:50:33

23   MR. BENNETT: All right. We -- we've had   15:21:18

24   extensive dialog off the record, and I appreciate, 15:21:28

25   ma'am, your candor and intellect in the   15:21:28

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1   deposition. The last line of the questioning on   15:21:31

2   the record pertained to the possibility that some   15:21:39

3   consumer reports that may show as a hard inquiry   15:21:43

4   in the frozen scan archive would not necessarily   15:21:49

5   have included a judgment, and I think we had a   15:21:51

6   discussion off the record about that.   15:21:53

7   But is there anything you need to say on the   15:21:56

8   record, Tony?   15:21:59

9   MR. LOVE: Well, the issue raised was about a 15:21:59

10   certain product and -- that might show up as a   15:22:03

11   hard inquiry, and that that may not include a   15:22:04

12   judgment being returned in relation to that hard   15:22:10

13   inquiry.   15:22:13

14   And the discussion that we've had is that   15:22:14

15   that is not one of the positions that Equifax is   15:22:16

16   taking as to the in -- its inability to ascertain   15:22:20

17   the class as it's defined in the current First   15:22:22

18   Amended Complaint, and -- and that's not one of   15:22:26

19   the issues that we're asserting for that.   15:22:28

20   MR. BENNETT: I -- I don't have any other   15:22:32

21   questions.   15:22:33

22   MR. LOVE: Okay.   15:22:34

23   MR. BENNETT: The witness will reserve;   15:22:35

24   right?   15:22:36

25   MR. LOVE: Yes, we'd like to read and sign.   15:22:39

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1   We don't need to view the video, but --   15:22:42

2   Can I get your card?   15:22:45

3   THE VIDEOGRAPHER: Sure.   15:22:46

4   MR. BENNETT: Sorry to meet you under these   15:22:50

5   circumstances, but it's an honor.   15:22:51

6   THE WITNESS: Oh, thank you.   15:22:51

7   MR. BENNETT: Thank you.   15:22:52

8   MR. LOVE: Margaret, thank you very much.   15:22:53

9   THE WITNESS: Oh, you're welcome. You're   15:22:56

10   welcome. I try to be --   15:22:57

11   MR. BENNETT: You can tell Lee that --   15:22:58

12   THE VIDEOGRAPHER: So you don't need the   15:22:58

13   video?   15:22:59

14   (Deposition concluded at 3:22 p.m.)   15:22:59

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2   E R R A T A   S H E E T

3   Pursuant to Rule 30(e) of the Federal Rules of Civil
       Procedure and/or Official Code of Georgia Annotated
4 9-11-30(e), any changes in form or substance which you
       desire to make to your deposition testimony shall be
5 entered upon the deposition with a statement of the
       reasons given for making them.

6

7
     To assist you in making any such corrections,
8 please use the form below. If supplemental or
   additional pages are necessary, please furnish same and
9 attach them to this errata sheet.

10   - - -

11   I, the undersigned, MARGARET LESLIE, do
   hereby certify that I have read the foregoing
12 deposition and that to the best of my knowledge said
   deposition is true and accurate (with the exception of
13 the following corrections listed below).

14

15 Page ____Line____should read:_____

16 Reason for change:_____

17 Page ____Line____should read:_____

18 Reason for change:_____

19 Page ____Line____should read:_____

20 Reason for change:_____

21 Page ____Line____should read:_____

22 Reason for change:_____

23 Page____Line____should read:_____

24 Reason for change:_____

25 Page____Line____should read:_____

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1   Reason for change:_____

2   Page____Line____should read:_____

3   Reason for change:_____

4   Page____Line____should read:_____

5   Reason for change:_____

6   Page ____Line____should read:_____

7   Reason for change:_____

8   Page ____Line____should read:_____

9   Reason for change:_____

10   Page ____Line____should read:_____

11   Reason for change:_____

12   Page ____Line____should read:_____

13   Reason for change:_____

14   Page____Line____should read:_____

15   Reason for change:_____

16   Page____Line____should read:_____

17   Reason for change:_____

18

19   _____

20   MARGARET LESLIE

21

22 Sworn to and subscribed
    before me this _____ day
23 of _____, 2010.

24
    Notary Public:_____
25 My Commission Expires:_____

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1   DISCLOSURE

2 STATE OF GEORGIA   DEPONENT: MARGARET LESLIE

3 COUNTY OF FULTON

4   Pursuant to Article 10.B of the Rules and
   Regulations of the Board of Court Reporting of the
5 Judicial Council of Georgia, I make the following
   disclosure.
6
       I am a Georgia Certified Court Reporter. I
7 am here as an independent contractor for Maxene
   Weinberg Agency. Maxene Weinberg Agency was contacted
8 by the offices of Consumer Litigation Associates, P.C.,
   to provide court reporting services for this
9 deposition. Maxene Weinberg Agency will not be taking
   this deposition under any contract that is prohibited
10 by O.C.G.A 9-11-28 (c).

11   Maxene Weinberg Agency has no
   contract/agreement to provide reporting services with
12 any part to the case, any counsel in the case, or any
   reporter or reporting agency from whom a referral might
13 have been made to cover this deposition. Maxene
   Weinberg Agency will charge its usual and customary
14 rates to all parties in the case, and a financial

     discount will not be given to any party to this
15   litigation.

16

     _____
17
     CARLA J. HOPSON, CCR# B-1816
18   August 20th, 2010.

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1   C E R T I F I C A T E

2   STATE OF GEORGIA:

3   COUNTY OF FULTON:

4

5   I hereby certify that the foregoing

6   deposition was taken down, as stated in the caption,

7   and the colloquies, questions and answers were reduced

8 to typewriting under my direction; that the foregoing

9 transcript is a true and correct record of the evidence

10 given.

11   The above certification is expressly

12 withdrawn and denied upon the disassembly or

13 photocopying of the foregoing transcript, unless said

14 disassembly or photocopying is done under the auspices

15 of Maxene Weinberg Agency, and the signature and

16 original seal is attached thereto.

17   I further certify that I am not a relative

18 or employee or attorney of any party, nor am I

19 financially interested in the outcome of the action.

20   This, the 21st day of August, 2010.

21

22   _____

23   CARLA J. HOPSON, RPR
            Certified Shorthand Reporter
24   B-1816

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